CHAPTER 03

Project approvals

HELIDON TO CALVERT ENVIRONMENTAL IMPACT STATEMENT

The Australian Government is delivering Inland Rail through the Australian Rail Track Corporation (ARTC), in partnership with the private sector.

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3.1 Introduction

This chapter summarises the Commonwealth, State, and local legislation relevant to the Helidon to Calvert (H2C) Project (the Project). Approvals, permits, licences and authorities necessary for the planning, construction and operational phases of the Project have also been identified. Section 3.6 tabulates the potential post-EIS approvals, permits, licences and authorities, detailing the relevant legislative triggers, administering authority and whether any exemptions, or self-assessable codes or requirements are available for the Project.

Approvals for third-party works of councils and utility providers have not been assessed as part of this EIS. Any approvals, permits, licences, authorities or agreements for third-party works may rely on the provisions and powers of the relevant third party, and/or may require separate environmental assessment and associated approvals.

3.1.1 Purpose of this chapter

On 16 March 2017, the Project was declared to be a 'coordinated project for which an EIS is required' by the Coordinator-General under Section 26(1)(a) of the *State Development and Public Works Organisation Act 1971* (Qld) (SDPWO Act). The declaration initiated the statutory environmental impact assessment procedure of Part 4 of the SDPWO Act, which requires the proponent to prepare an EIS for the Project.

On 17 March 2017, the then Australian Government Minister for the Environment determined the Inland Rail—Helidon to Calvert Project to be a 'controlled action' under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), due to the likely potential impacts on Matters of National Environmental Significance (MNES). Assessment of the Project was determined to be under the Bilateral Agreement between the Commonwealth (now the Department of Agriculture, Water and the Environment (DAWE)) and the State of Queensland. The relevant controlling provision for the Project is listed threatened species and communities (Sections 18 and 18A) (reference number EPBC 2017/7883).

The final Terms of Reference (ToR) for the Project was approved by the Coordinator-General under Section 30 of the SDPWO Act and was released on 5 October 2017. The ToR sets out the matters the proponent must address in an EIS for the Project under the SDPWO Act. Further, as the Project will be assessed under the Bilateral Agreement between the Commonwealth and the State of Queensland, the ToR also sets out the requirements for the assessment of the EPBC Act controlling provision, mitigation measures and any offsets for residual impacts.

This chapter responds to the ToR requirements by providing an overview of the Commonwealth, State and local legislative framework relevant to the Project and identifies the approvals, permits, licences and authorities triggered by the Project. A summary of the ToR requirements and how these have been addressed within this chapter is in Table 3.1. Appendix B: Terms of Reference Compliance Table provides a cross-reference for each ToR against relevant sections in this EIS.

TABLE 3.1: TERMS OF REFERENCE COMPLIANCE TABLE—PROJECT APPROVALS

Terms of Reference requirements		Where addressed
6.8.	Assess the extent to which the construction and operation of the project meets all statutory and regulatory requirements of the State and that the intended outcomes are consistent with current state policies and guidelines. If there is conflict, provide comment on the planning merit that supports the project.	Approvals are consolidated in Chapter 3: Project approvals
7.1.	The proponent must identify in the EIS the scope of government approvals sought through the EIS process.	Section 3.1.1
7.2.	The assessment and supporting information should be sufficient for the Coordinator-General and administering authorities to decide whether an approval sought through the EIS process should be granted. Where applicable, sufficient information should be included to enable approval conditions to be developed in relation to later approvals under relevant legislation, including but not limited to the *Planning Act 2016* (PA), the *Water Act 2000* (Water Act), *Nature Conservation Act 1992*, *Vegetation Management Act 1999* (VMA), *Fisheries Act 1994*, *Land Act 1994*, *Forestry Act 1959*, *Stock Route Management Act 2002*, *Queensland Heritage Act 1992*, *Transport Infrastructure Act 1994*, *Mineral Resources Act 1989*, EP Act, *Regional Planning Interests Act 2014*, *Environmental Offsets Act 2014* and the EPBC Act.	Chapter 3: Project approvals The assessment and supporting information is considered sufficient for the Coordinator-General and administering authority to decide whether approvals sought through the EIS process should be granted

Terms of Reference requirements		Where addressed
9.3.	Provide an outline of the environmental impact assessment process, including the role of the EIS in the Coordinator-General's decision-making process. The information in this section is required to ensure readers are informed of the process to be followed and are aware of any opportunities for input and participation.	Section 3.2.1 and Figure 3.2 Chapter 1: Introduction, Section 1.4
9.4.	Inform the reader how and when properly made public submissions on the EIS will be addressed and taken into account in the decision-making process.	Section 3.2.1, Figure 3.1 and Figure 3.2 Chapter 1: Introduction, Section 1.7
9.5.	Describe the approvals required to enable the Project to be constructed and operated. Explain how the environmental impact assessment process (and the EIS itself) informs the issue of the leases/licences/permits required by the proponent before construction can commence. Provide a flow chart indicating the key approvals and opportunities for public comment.	Chapter 3: Project approvals Figure 3.2 provides a flowchart indicating key approvals and opportunities for public comment.
9.6.	Inform the reader of how the SDPWO Act, EP Act and the PA interact, with reference to the Project. Describe how the EIS process informs approvals required for the Project, and how a properly made submission on the EIS relates to application processes and later approvals under the PA and EP Act respectively.	Sections 3.2.1.4, 3.2.1.5 and Figure 3.1
9.7.	Identify any statutory approvals, permits, licences and authorities (including requirement for owner's consent) that will be required for the Project to use land.	Sections 3.3.4, 3.4.2 and 3.4.14 and Table 3.4
9.8.	Describe the assessment process under the Bilateral Agreement between the Commonwealth and the State of Queensland under section 45 of the EPBC Act relating to environmental assessment.	Sections 3.2.1, 3.2.2 and 3.2.2.2 Chapter 1: Introduction, Section 1.4
9.9.	The State Development Assessment Provisions (SDAP) prescribed in the Planning Regulation 2017 set out the matters of interest to the State for development assessment where the chief executive of the PA is the assessment manager or referral agency for development applications. If the proponent intends to satisfy the information requirements of future development assessment decisions under SDAP for any component of the Project during this coordinated Project EIS process, the material provided in accordance with sections 10-11 of this TOR should be sufficient to permit those assessments to be completed for that Project component.	Section 3.2 and Section 3.4.20
9.10.	The EIS will provide, where relevant, the information required under section 125 of the EP Act in support of the Project's environmental authority application for Environmentally Relevant Activities (ERAs).	Not applicable, refer to: Figure 3.1, Sections 3.4.10, 3.6 and Table 3.4
9.11.	Any ERAs to be conducted as part of the Project should be listed separately with appropriate ERA number, activity name and required threshold (see EP Regulation, Schedule 2 for a list of ERAs). The assessment and supporting information should be sufficient for the administering authority to decide whether an approval should be granted. Environmental values and approval requirements are specified in the EP Act, the EP Regulation, environmental protection policies and relevant guidelines.	Not applicable, refer: Sections 3.4.10, 3.6, Table 3.4
10.10.	Describe the planning schemes, regional plans, state policies and government priorities for the preferred alignment, including those that have been publicly notified. This description should include those instruments currently under development that may be implemented within the project's planning and construction timeframes.	Section 3.5 Chapter 8: Land use and tenure, Sections 8.4, 8.6.3.1 and 8.9
10.11.	Describe the following information about the proposed project: j) any activity that is a prescribed ERA	Section 3.4.10 and Table 3.4
11.52.	Provide details of any proposed impoundment, extraction (i.e. volume and rate), discharge, use or loss of surface water or groundwater. Identify any approval or allocation that would be needed under the Water Act.	Section 3.4.34 and Table 3.4

Terms of Reference requirements		Where addressed
11.58.	Identify relevant Water Plans and Resources Operations Plans under the Water Act. Describe how the project will impact or alter these plans. The assessment should consider, in consultation with the Department of Natural Resources and Mines, any need for: a) a resource operations licence b) an operations manual c) a distribution operations licence d) a water licence e) a water management protocol.	Section 3.4.34 and Table 3.4
11.103.	Demonstrate that actions of the project avoid and minimise impacts of clearing of vegetation regulated through the VMA/PA and how any clearing maintains connectivity of the remaining mapped category B area in the landscape. Provide details on the exemptions/assessment pathway for any clearing of vegetation regulated through the VMA/PA.	Sections 3.4.20, 3.4.32 and Table 3.4

3.2 Key Project legislative requirements and approvals

A principal purpose of this EIS is to provide sufficient information to enable the Coordinator-General and Commonwealth Minister for the Environment to determine if the Project can proceed under the SDPWO Act and EPBC Act respectively, and for recommendations to be made about relevant compliance for the Project under other legislation. The approvals being sought as part of the EIS process are listed and further discussed in the following sections.

The Project will trigger the requirement to obtain a number of approvals, permits, licences and authorities under legislation. On the basis that the Project is given EIS approval to proceed, the Project will seek to address any and all relevant conditions and recommendations after completion of the EIS process (referred to as post-EIS), once detailed design has been sufficiently progressed.

TABLE 3.2: KEY PROJECT APPROVALS

Legislation	Approval
SDPWO Act	Coordinator-General's evaluation report
EPBC Act	Approval for undertaking a controlled action for the purposes of the relevant controlling provisions (listed threatened species and communities), under Section 18 and 18A of the EPBC Act

3.2.1 State Development and Public Works Organisation Act 1971

3.2.1.1 Overview

The SDPWO Act provides for state development and planning through the provision of a system to coordinate and regulate public works, manage major land and infrastructure assets, and coordinate the assessment of major project proposals, including environmental, social and economic impacts. In doing so, the SDPWO Act seeks to facilitate timely, coordinated and environmentally responsible land use and infrastructure planning to support Queensland's development.

A key provision of the SDPWO Act is the function of the Coordinator-General appointed as a corporation sole, to represent the Crown. The Coordinator-General holds powers to:

- Manage the assessment of major infrastructure projects
- Declare a project to be a 'coordinated project' and coordinate a whole-of-government environmental impact assessment process for the Project
- Declare a project to be a 'prescribed project'
- Declare a project to be a 'critical infrastructure project'
- Access land, and compulsorily acquire land
- Declare and manage State Development Areas across the State.

The SDPWO Act's interaction with the *Planning Act 2016* (Qld) (Planning Act) and *Environmental Protection Act 1994* (Qld) (EP Act) is shown in Figure 3.1.

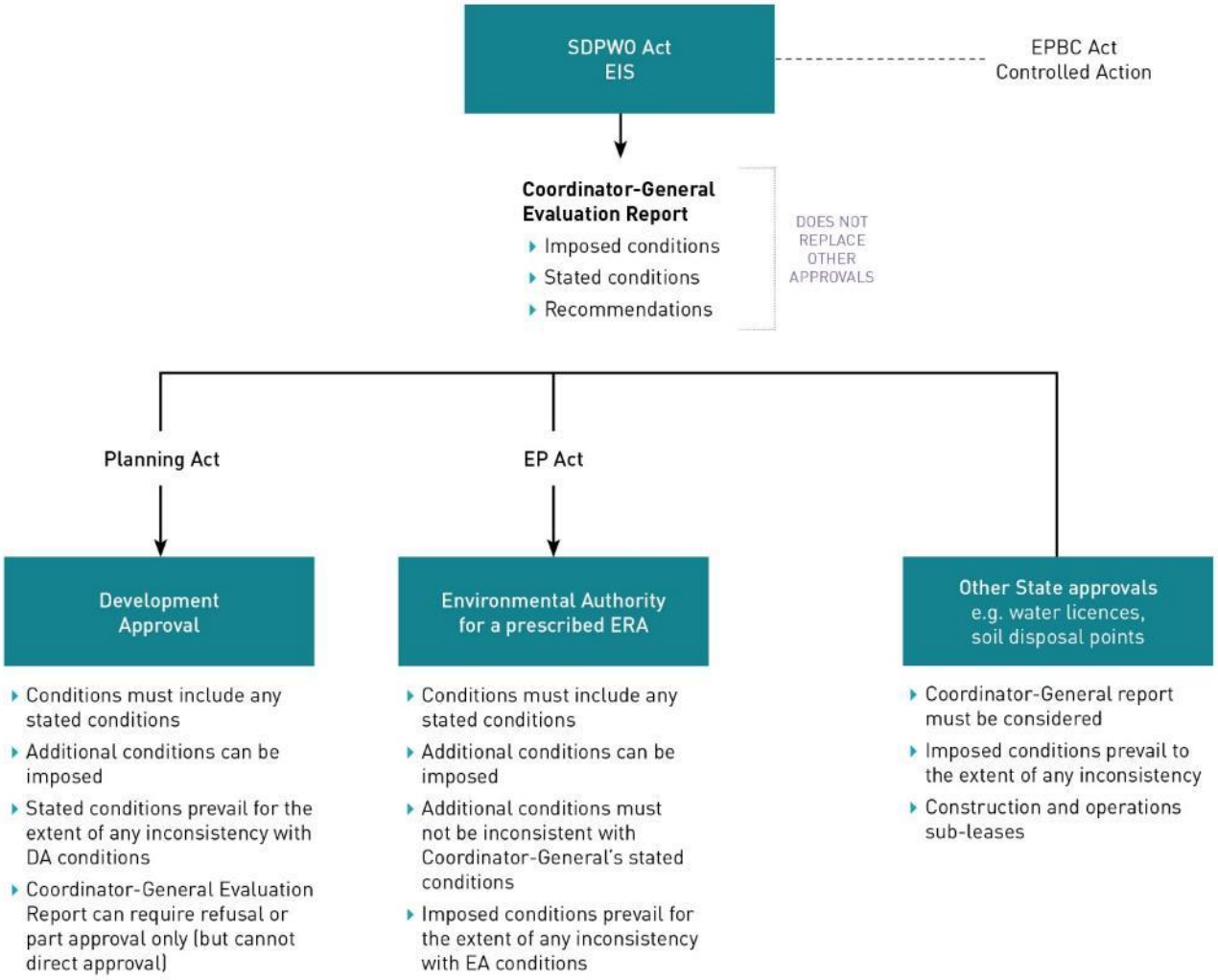

FIGURE 3.1: RELATIONSHIP BETWEEN THE SDPWO ACT AND THE PLANNING ACT AND EP ACT, INCLUDING OTHER STATE APPROVALS

3.2.1.2 Coordinated project environmental impact assessment

In accordance with Section 26 of the SDPWO Act, the Coordinator-General may declare a project to be a 'coordinated project' for which an EIS is required; or declare a project to be a 'coordinated project' for which an Impact Assessment Report is required. Declaration of a project as a 'coordinated project' is based on one or more of the following criteria applying:

- Complex approval requirements involving local, State and federal governments
- Significant environmental effects
- Strategic significance to the locality, region or State, including for the infrastructure, economic and social benefits, capital investment or employment opportunities it may provide
- Significant infrastructure requirements.

An EIS provides the Coordinator-General with a framework to:

- Consider the environmental, social and economic aspects of the Project in the context of legislative and policy provisions and decide whether the Project can proceed
- State, recommend or impose conditions for approval, as appropriate
- Ensure appropriate environmental management and monitoring programs to avoid, minimise, mitigate or offset any potential adverse/residual impacts.

This EIS has been prepared to address the ToR issued by the Office of the Coordinator-General on 5 October 2017. The following steps in the coordinated project process remain to be completed:

- The EIS (as a draft EIS) is made available for public comment and submissions may be made by any person to the Coordinator-General during the submission period.
- The Coordinator-General must consider the draft EIS, all properly made submissions, and any other material that the Coordinator-General considers relevant to the Project. The Coordinator-General must then decide whether to accept the draft EIS as the final EIS under Section 34A of the SDPWO Act and issue a notice advising of the decision.
- If the Coordinator-General decides not to accept the draft EIS as the final EIS, the Coordinator-General must request additional information and advise whether public notification of the additional information is required under Section 34B(2) of the SDPWO Act.
- Where the Coordinator-General requests further information under Section 34B(2) of the SDPWO Act, a revised draft EIS is provided and public notification undertaken (where required).
- Once the Coordinator-General accepts the draft EIS as the final EIS, the Coordinator-General will evaluate the EIS, any submissions on the EIS, any other relevant information and prepare a report that evaluates the EIS.
- Following preparation of the Coordinator-General's report, the report is provided to the Australian Government Minister for the Environment for assessment under the EPBC Act through the Bilateral Agreement between the Commonwealth and the State of Queensland.

The SDPWO Act EIS process has been accredited under the Bilateral Agreement for the assessment of the Project under Section 45 of the EPBC Act as discussed in Section 3.1.1. The process for environmental impact assessment and consultation under the SDPWO Act is shown in 3.1.1. Included in this figure is the identification of the stages in the EIS approval process where the EIS is publicly notified and where there is the opportunity for public comment.

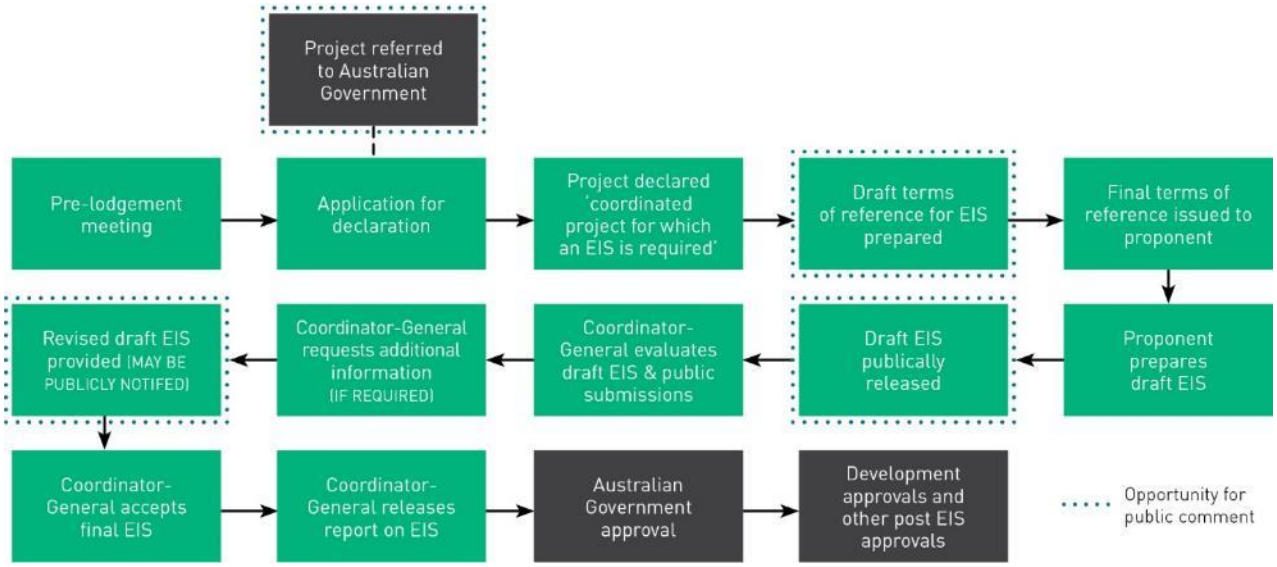

FIGURE 3.2: THE ENVIRONMENTAL IMPACT ASSESSMENT AND CONSULTATION PROCESS

Figure note: Under the SDPWO Act and Bilateral Agreement with the Australian Government

3.2.1.3 Coordinator-General's report

Under the SDPWO Act, the Coordinator-General's report may include:

- An evaluation of the environmental effects of the Project and any other related matters
- Imposed conditions for undertaking the Project
- Stated conditions that must be imposed on subsequent development approvals
- Recommendations for other approvals required by the Project.

The conditions of approval in the Coordinator-General's report on the EIS only gain legal effect when attached to a development approval given by an assessment manager under other specific legislation.

The Project proponent is still required to obtain all other development approvals from local authorities (e.g. for a material change of use (MCU)) and Queensland Government departments (e.g. an environmental authority (EA) under the EP Act), where applicable.

Assessment managers ultimately decide whether development approvals are granted for the Project. These assessment managers:

- Must attach the Coordinator-General's conditions to any development approval that is granted
- Are not limited in their ability to refuse a project, even if the Coordinator-General's report on the EIS has recommended the project be approved
- Can impose additional conditions on the development approval, provided they are not inconsistent with the conditions stated in the Coordinator-General's report.

3.2.1.4 Relationship with the *Planning Act 2016*

Where proposed development has been the subject of an EIS under the SDPWO Act, certain aspects of the development assessment process under the Planning Act are modified.

In accordance with Part 4, Division 4, Subdivision 1 of the SDPWO Act, a development application that includes an MCU of premises or that requires impact assessment:

- Is not required to undergo public notification under the Planning Act
- There are no referral agencies under the Planning Act for the application, as the Coordinator-General's report for the EIS is taken to be a referral agency's response under the Planning Act
- A properly made submission about a draft EIS or any additional information required by the Coordinator-General that was publicly notified, is taken to be a properly made submission about the application under the Planning Act.

Further explanation of the SDPWO Act's interaction with the Planning Act is shown in Figure 3.1.

3.2.1.5 Relationship with the *Environmental Protection Act 1994*

Chapter 3 of the EP Act includes provisions for an EIS process that applies only to projects other than coordinated projects, that are mining and resource activities. Mining and resource activities that trigger an EIS under the EP Act require a project-specific terms of reference.

The EP Act, together with the Planning Act, provide a licensing regime for Environmentally Relevant Activities (ERAs). Details on the requirements for ERAs are provided in Section 3.1.1.

3.2.2 Environment Protection and Biodiversity Conservation Act 1999

3.2.2.1 Overview

The EPBC Act provides that any action (i.e. a project, development, undertaking, activity or series of activities) that has, will have or is likely to have a significant impact on a MNES, or other matters protected under the EPBC Act, such as the environment of Commonwealth land, requires approval from the Australian Government Environment Minister.

The EPBC Act, which is administered by the Australian Government DAWE identifies the following triggers for potential Commonwealth assessment and approval:

- World Heritage properties
- National Heritage places
- Wetlands of international importance (Ramsar wetlands)
- Listed threatened species and ecological communities
- Listed migratory species
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- Nuclear actions (including uranium mines)
- Water resources, in relation to coal seam gas development and large coal mining development
- The environment, where actions proposed are on, or will affect, Commonwealth land and the environment
- The environment, where Commonwealth agencies are proposing to take an action.

If a Project is likely to impact on any MNES, a referral under the EPBC Act must be made to the Australian Government Minister for the Environment. Subsequent to the receipt of a referral, the Minister will determine whether or not the proposed action is a 'controlled action'. If the action is considered a 'controlled action', then an environmental assessment must be submitted to the Minister for approval.

The environmental assessment can proceed through a bilateral agreement that accredits a State or Territory assessment process (i.e. EIS process under the EPBC Act), a ministerial declaration that accredits another Commonwealth agency or through assessment determined by the Minister.

3.2.2.2 Controlled action environmental impact assessment under the Bilateral Agreement

This draft EIS has been prepared to address the ToR issued by the Office of the Coordinator-General on 5 October 2017, which includes assessment of the controlling provision, mitigation measures and any offsets for residual impacts that fully address the matters relevant to the EPBC Act controlling provision for the Project (Listed threatened species and communities) as set out in Section 11 of the ToR.

At the conclusion of the SDPWO Act EIS process, the Australian Government Minister for the Environment will receive a copy of the Coordinator-General's Evaluation Report and will take the report into account when making a decision under the EPBC Act. The Australia Government Minister for the Environment will decide whether to approve the Project, and if it is approved, with or without conditions.

3.3 Other Commonwealth legislation

3.3.1 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

3.3.1.1 Overview

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) (ATSIHP Act) enables the Commonwealth to intervene and, where necessary, preserve and protect areas and objects of particular significance to Aboriginal Persons or group of persons from being desecrated or injured.

The ATSIHP Act allows the Australian Government Minister for the Environment, on the application of an Aboriginal Person or group of persons, to make a declaration to protect an area, object or class of objects from a threat of injury or desecration.

The ATSIHP Act was intended as a last resort in cases when state or territory laws do not provide effective provision for the protection of significant Aboriginal areas and objects. The Commonwealth would ordinarily only seek to exercise its power after the relevant Indigenous Party has exhausted all opportunities to preserve and protect the area or object through the relevant state or territory legislation.

The ATSIHP Act does not apply to all Aboriginal heritage, but only to areas and objects that are of particular significance to Aboriginal people in accordance with Aboriginal tradition, and to Aboriginal remains.

3.3.1.2 Relevance to the Project

There are currently no areas or objects within the EIS investigation corridor that are protected by the ATSIHP Act.

3.3.1.3 Project compliance

A Cultural Heritage Management Plan (CHMP) for the Project was developed between ARTC and the relevant Aboriginal Party in 2018 (CLH017009). This CHMP has been approved under the *Aboriginal Cultural Heritage Act 2003* (Qld) (ACH Act) and consequently meets all the requirements for the identification, assessment and management of Aboriginal heritage under the Project's ToR. Areas and objects of particular significance to an Aboriginal person or group of persons will be managed through the approved CHMP.

3.3.2 National Environment Protection Measures (Implementation) Act 1998

3.3.2.1 Overview

The *National Environment Protection Measures (Implementation) Act 1998* (Cth) (NEPM) and complementary state and territory legislation allow the National Environment Protection Council to make National Environmental Protection Measures (NEPMs). NEPMs are a special set of national objectives designed to assist in protecting or managing particular aspects of the environment.

3.3.2.2 Relevance to the Project

The NEPMs that are related to the Project are:

- National Environment Protection (Used Packaging Materials) Measure
- National Environment Protection (National Pollutant Inventory) Measure
- National Environment Protection (Movement of Controlled Waste between States and Territories) Measure
- National Environment Protection (Ambient Air Quality) Measure
- National Environment Protection (Assessment of Site Contamination) Measure.

3.3.2.3 Project compliance

The assessments contained within this EIS have, where relevant, been undertaken in line with achieving the NEPM objectives and desired environmental outcomes, which aim to:

- Reduce environmental degradation arising from the disposal of used packaging and conserve virgin materials through the encouragement of re-use and recycling of used packaging materials
- Minimise the potential for adverse impacts associated with the movement of controlled waste on the environment and human health
- Provide ambient air quality that allows for the adequate protection of human health and wellbeing
- Collect a broad base of information on emissions and transfers of substances on the reporting list
- Provide adequate protection of human health and the environment, where site contamination has occurred, through the development of an efficient and effective national approach to the assessment of site contamination.

3.3.3 National Greenhouse and Energy Reporting Act 2007

3.3.3.1 Overview

The *National Greenhouse and Energy Reporting Act 2007* (Cth) (NGER Act) was established as a single national framework for reporting and disseminating company information about greenhouse gas emissions, energy production and energy consumption. Regulations under the NGER Act and the National Greenhouse and Energy Reporting (Measurement) Determination 2008 establish the legislative framework for a National Greenhouse and Energy Reporting scheme.

Under the NGER Act (Part 2, Division 1A, Section 13), corporations that meet certain thresholds must report their emissions, energy production and energy consumption each financial year to the Clean Energy Regulator. There are two types of thresholds that determine which companies have an obligation under the NGER Act:

- Facility thresholds
- Corporate group thresholds.

The current facility threshold is:

- 25 kilotonnes (kt) or more of greenhouse gases ($CO_{2\text{-}eq}$) (scope 1 and scope 2 emissions)
- Production of 100 terajoules (TJ) or more of energy
- Consumption of 100 TJ or more of energy.

The current corporate group thresholds are:

- 50 kt or more of greenhouse gases ($CO_{2\text{-}eq}$) (scope 1 and scope 2 emissions)
- Production of 200 TJ or more of energy
- Consumption of 200 TJ or more of energy.

3.3.3.2 Relevance to the Project

Under the requirements of the NGER Act, ARTC will need to incorporate the emissions, energy production and energy consumption from activities associated with the Project's construction and operational phases into its annual reporting if it triggers the corporate group threshold. The potential emission sources to be reported for the Project include:

- The combustion of fuels for energy
- Industrial processes (such as producing cement and steel)
- Waste management.

ARTC reporting of greenhouse gas and energy data to the Clean Energy Regulator will continue to be in accordance with trigger and publication thresholds.

3.3.3.3 Project compliance

Annual greenhouse gas and energy data for the Project, along with the wider Inland Rail Program (Inland Rail), will be captured for construction and operational phases. This data will be used to inform ARTC's annual National Greenhouse and Energy Reporting obligations.

3.3.4 Native Title Act 1993

3.3.4.1 Overview

The *Native Title Act 1993* (Cth) (NT Act) establishes a framework for the protection and recognition of native title, including by conferring on Indigenous People who hold (or claim to hold) native title rights and interests in respect of any land or waters the right to be consulted on, and in some cases to participate in, decisions about activities proposed to be undertaken on the land (or in the waters). The NT Act provides for the validation of past Commonwealth acts that would have been invalid because of native title and enables each of the States and Territories to make similar provision in their own laws. The NT Act also establishes the processes involved in having native title recognised and the roles and responsibilities of the different bodies involved in this process.

The NT Act provides the Commonwealth with a process to:

- Recognise and protect the rights and interests of Indigenous peoples through native title claims and determinations
- Manage the impact that proposed actions may have on native title through the 'future acts' system and associated agreements
- Extinguish native title over specified areas (including freehold estates, leasehold land, or public works activities or infrastructure).

The NT Act adopts the common law definition of 'native title' and establishes the National Native Title Tribunal (NNTT), which has several functions in relation to the regulation of native title in Australia including in relation to native title applications, inquiries and determinations.

While native title has been extinguished over validly granted freehold land under the NT Act, native title interests and rights may still exist over a number of tenures. These tenures include reserves, State forests and national parks, land that is, or has been, subject to pastoral leases or other types of leases, waters that are not privately owned, as well as Unallocated State Land (USL). The NT Act contains a statutory process to allow the parties to reach agreement about the use of land and waters where native title may continue to exist, and for state and territory governments to grant interests over that land to native title claimants and non-native title parties.

Under Sections 24KA and 24MD, if an act such as the grant of a statutory approval or of land tenure, is to be undertaken in relation to land subject to native title that was dedicated as a reserve before 23 December 1996, the act will be valid from a native title perspective provided it fits within the purpose of the reserve (or would have no greater impact on native title than acts that fit within the purpose of the reserve).

Further, if the act consists of the construction or establishment of a public work, which includes a road, railway or bridge that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities, the act will extinguish native title in relation to the area on which the public work is situated. In such cases, the Australian Government Minister would need to notify all affected representative bodies and registered native title claimants of the work and give them an opportunity to comment.

The *Native Title (Queensland) Act 1993* is discussed in Section 3.3.4.

3.3.4.2 Relevance to the Project

Tenure within the permanent operational disturbance footprint is predominantly freehold where native title rights and interests have been extinguished, except in the instance where freehold tenure was invalidly granted.

The Project's permanent operational disturbance footprint is located within an area that is subject to one active native title claim by the Yuggera Ugarapul People (QC 2017/005) and contains land where registered Aboriginal parties can claim native title.

3.3.4.3 Project compliance

Where it is determined that native title has not been extinguished within the permanent operational disturbance footprint, ARTC will seek the extinguishment of native title rights and interests in question prior to construction of the Project, by compulsory process, to enable the granting of the necessary interests in Crown lands required to construct the Project.

Details on native title claims are further discussed in Chapter 8: Land use and tenure.

3.4 Other State legislation

3.4.1 Aboriginal Cultural Heritage Act 2003

3.4.1.1 Overview

The purpose of the ACH Act is to provide effective recognition, protection and conservation of Aboriginal cultural heritage. This is defined as objects and areas in Queensland that are of particular significance to Aboriginal people because of Aboriginal tradition or history, or archaeologically or historically significant evidence of Aboriginal occupation of an area of Queensland.

The ACH Act protects Aboriginal cultural heritage by prescribing a duty of care. This requires all persons to take all reasonable and practical measures to avoid harming cultural heritage. Failure to comply with the cultural heritage duty of care is an offence. Additional offences prescribed by the ACH Act include unlawfully harming, excavating, relocating, taking away and possessing Aboriginal cultural heritage.

A person who carries out an activity will be taken to have complied with the cultural heritage duty of care in relation to Aboriginal cultural heritage (and will not commit any of the other offences prescribed by the ACH Act) if the person is acting under an approved CHMP that applies to the cultural heritage. An approved CHMP is mandatory for projects that require an EIS.

3.4.1.2 Relevance to the Project

The Yuggera Ugarapul People are the relevant Aboriginal Party for the EIS investigation corridor. A CHMP (CLH017009), under Part 7 of the ACH Act, has been developed, negotiated, and executed, where required with the relevant Aboriginal Party for the Project.

A search of the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) database (now Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP)) and register (21 September 2020) has identified 12 reported Indigenous cultural heritage sites within the EIS investigation corridor (refer Table 3.3), but none within the area studied for the cultural heritage assessment (refer Chapter 18: Non-Indigenous cultural heritage technical report). The majority of these sites are the site type 'Artefact scatter' and 'Scarred/carved tree'.

TABLE 3.3: INDIGENOUS CULTURAL HERITAGE SITES (PROJECT)

Site type	Count	Percent of the total (%)
Artefact scatter	4	33.33
Scarred/carved tree	3	25.00
Cultural site	1	8.33
Landscape feature	1	8.33
Resource area	1	8.33
Aboriginal historical place	1	8.33
Burial	1	8.33
Total	**12**	**100.00**

Table note: Identified sites within Project EIS investigation corridor
Source: DSDSATSIP (former DATSIP) database and register sites search

Chapter 18: Cultural heritage provides a further discussion on Aboriginal cultural heritage values in proximity to the Project.

3.4.1.3 Project compliance

Areas and objects of particular significance to an Aboriginal person or group of persons will be managed through the approved CHMP (CLH017009). A CHMP is a confidential agreement between the relevant Aboriginal Parties and ARTC and will not be released as part of the EIS. Compliance with the CHMP will ensure compliance with the cultural heritage duty of care under the ACH Act.

The Project will comprise multiple activities, some of which will create additional surface disturbance. These activities will warrant further cultural heritage assessment before relevant Project works significantly commence.

3.4.2 Acquisition of Land Act 1967

3.4.2.1 Overview

The *Acquisition of Land Act 1967* (Qld) (AL Act) enables constructing authorities to acquire land for public purposes. The AL Act provides for the taking of an interest in land for a purpose under Schedule 1, with Schedule 1 Part 1 including with respect to transportation (incorporating railways and related purposes).

3.4.2.2 Relevance to the Project

The EIS investigation corridor has been intentionally aligned to use the existing West Moreton System rail corridor, existing road corridor, and the Gowrie to Grandchester future State transport corridor where possible, minimising the extent of 'new' properties to be acquired. Notwithstanding this, the acquisition of land and interests in land will be required for the construction and operation of the Project. The permanent operational disturbance footprint will directly impact 193 properties. Of these 193 properties:

- 23 properties (12 per cent) are located within the existing West Moreton System rail corridor and are all Lands Lease
- 57 properties (30 per cent) are located within the Gowrie to Grandchester future State transport corridor, and consists of:
  - 54 properties (28 per cent) are freehold
  - 1 property (1 per cent) is Reserve
  - 2 properties (1 per cent) are State Land
- 113 properties (58 per cent) are located outside of both the West Moreton System rail corridor and the Gowrie to Grandchester future State transport corridor, and consists of:
  - 104 properties (53 per cent) are freehold
  - 1 property (1 per cent) is Lands Lease
  - 3 properties (1.5 per cent) are Reserve
  - 5 properties (2.5 per cent) are State Land.

These properties include six properties that will require volumetric acquisition as a result of the Project passing beneath a property as part of the proposed Little Liverpool Range tunnel. Volumetric resumptions are also expected for some locations with raised bridges and/or viaducts.

It is noted that additional properties may also be acquired in other situations, such as where certain impacts cannot be avoided or appropriately mitigated and/or acquisition is agreed in direct consultation with affected landowners.

Land acquisition for the Project will be approached in accordance with the requirements of the AL Act. Land required for only construction will also be acquired in accordance with the requirements of the AL Act, or leased from landowners, subject to individual agreements.

3.4.2.3 Project compliance

The Project has been designed to:

- Use the existing West Moreton System rail corridor and/or the protected Gowrie to Grandchester future State transport corridor, where possible
- Align with roads and property boundaries (where possible) to reduce the severance of land parcels
- Reduce potential impacts on property access, services or farm operational arrangements.

Most land will be acquired by a constructing authority that has compulsory acquisition powers. Where compulsory acquisition of land is required, the process in the AL Act will be followed. The arrangements between ARTC and a constructing authority are yet to be finalised.

Chapter 8: Land use and tenure and Appendix G: Directly Impacted Properties provide further discussion about land requirements for the Project.

3.4.3 Agricultural Chemicals Distribution Control Act 1966

3.4.3.1 Overview

The *Agricultural Chemicals Distribution Control Act 1966* (ACDC Act) (Qld) and the Agricultural Chemicals Distribution Control Regulation 1998 aim to control the distribution of agricultural chemicals from aircraft and from ground equipment. Herbicides, a category of agricultural chemicals, are defined as any material used or intended to be used for destroying or preventing the spread of weeds. Herbicides are registered by the Australian Pesticides and Veterinary Medicines Authority (APVMA). The misuse of herbicides has the potential to harm agriculture or livestock, the environment, trade, or human health, and the ACDC Act and Regulation are in place to ensure that commercial operators and their businesses distribute herbicides responsibly.

3.4.3.2 Relevance to the Project

Large areas of the EIS investigation corridor have significant weed growth, particularly non-native grasses, which have been introduced as part of historical agricultural land use of the area (refer Chapter 11: Flora and fauna). In addition, Project activities have the potential to increase the proliferation of weeds and pests. There is a requirement to appropriately manage weeds and pests as part of Project works.

Under the ACDC Act, the EIS investigation corridor is mapped as being a 'regulated area', meaning the provisions of the ACDC Act apply. Within the regulated areas, three hazardous areas have been declared to protect susceptible crops in those areas from damage from certain volatile herbicides. The Project is not mapped within these hazardous areas.

3.4.3.3 Project compliance

Any use of pesticides or herbicides to manage pests and weeds will need to be undertaken in accordance with the ACDC Act. Ground distribution of pesticides and herbicides may require both the operator of the equipment and the company or business employing or directing the operators to be licensed in accordance with the ACDC Act. For the purposes of the Construction Environmental Management Plan (CEMP), the APVMA will regulate the lawful application of pesticides and herbicides for targeted pest and weed management activities.

A Biosecurity Management Plan will be developed as part of the CEMP and will include requirements under the ACDC Act. Refer Chapter 23: Draft Outline Environmental Management Plan for further details.

3.4.4 Biosecurity Act 2014

3.4.4.1 Overview

The *Biosecurity Act 2014* (Qld) (Biosecurity Act) safeguards the economy, agricultural and tourism industries, environment and way of life from:

- Pests (e.g. wild dogs and weeds)
- Diseases (e.g. foot-and-mouth disease)
- Contaminants (e.g. lead on grazing land).

The Act provides comprehensive biosecurity measures to ensure a consistent, modern, risk-based and less prescriptive approach to biosecurity in Queensland.

Under Section 23 of the Biosecurity Act, all people have a 'general biosecurity obligation'. This means that everyone is responsible for managing biosecurity risks that:

- Are under their control
- They know about or should reasonably be expected to know about.

Under the general biosecurity obligation, individuals and organisations whose activities pose a biosecurity risk must:

- Take all reasonable and practical steps to prevent or minimise each biosecurity risk
- Minimise the likelihood of causing a 'biosecurity event' and limit the consequences if such an event is caused
- Prevent or minimise the adverse effects the risk could have and not do anything that might make any adverse effects worse.

The Biosecurity Act classifies biosecurity risk as either a prohibited matter or a restricted matter. Under the Biosecurity Act the Chief Executive of the Department of Agriculture and Fisheries (DAF) can declare a place to be restricted (restricted place) if they suspect that place poses a biosecurity risk. For example, the Biosecurity Regulation 2016 prescribes procedures

that must be undertaken when moving or storing a fire ant carrier within a fire ant biosecurity zone and requires a biosecurity instrumentation permit to be obtained in certain instances.

If a prohibited matter (which is a biosecurity matter that is not is not found in Queensland) is found or is believed to exist, it must be reported immediately to Biosecurity Queensland. A prohibited matter can be: diseases, viruses or parasites. invasive animals and plants (e.g. pest animal or weed). Restricted matter is found in Queensland and action should be taken to limit its impact by reducing, controlling or containing it. A restricted matter is biosecurity matter found in Queensland and has a significant impact on human health, social amenity, the economy or the environment. Restricted matter can include: diseases, viruses or parasites. invasive animals or plants.

3.4.4.2 Relevance to the Project

Project activities, including the transport and movement of people, vehicles and machinery during construction, or the transport and movement of goods in operation, have the potential to increase biosecurity risks relating to the spread of weeds and pests.

The Project EIS identified 13 restricted matters being listed flora species and five restricted matters as related to fauna species under the provisions of the Biosecurity Act. A further 134 introduced flora species and 14 introduced fauna species have been recorded within the Project ecology study area during EIS field investigations. The movement of equipment, material and vehicles may inadvertently introduce and spread weed and pest species present within the Project impact areas across the wider region.

It is anticipated that restricted matter will be encountered during construction and operation of the Project. Portions of the Project are situated within Fire Ant Biosecurity Zone 1 and Zone 2.

Contamination, biosecurity risks, changes to water surface hydrology, erosion and sedimentation all have the potential to impact on agricultural land. Effects include reduced soil quality, reduced productivity, and increased costs to agricultural operations. These impacts are further discussed in: Chapter 9: Land resources Chapter 11: Flora and fauna Chapter 13: Surface water and hydrology.

3.4.4.3 Project compliance

To move soil from areas of the Project within a fire ant biosecurity zone, ARTC must obtain a Biosecurity Instrument Permit and ARTC's construction contractor must have an approved Environmental Management Plan (EMP) from DAF before carrying out activities, unless soil:

- Remains within Zone 1
- Is moved to a licensed waste management facility within Zone 1 or Zone 2.

Biosecurity risks within the Project disturbance footprint will be managed in accordance with the relevant requirements of the Biosecurity Act. Biosecurity is addressed in the Flora and Fauna Sub-plan of the draft Outline EMP (refer Chapter 23: Draft Outline Environmental Management Plan). A Biosecurity Management Plan will be developed as part of the CEMP. The plan will include provisions relating to the management of biosecurity risks associated with weeds and feral animals and measures for weed surveillance and treatment during construction and rehabilitation activities, reducing the potential impacts from biosecurity risks to adjoining land and agricultural properties.

Chapter 11: Flora and fauna provides greater detail regarding biosecurity matters for the Project.

3.4.5 Building Act 1975

3.4.5.1 Overview

The *Building Act 1975* (Qld) (Building Act) regulates all building work in Queensland. The Building Act specifies the type of work that constitutes assessable development under the Planning Regulation 2017 (Planning Regulation). Building work under the Building Act is assessable development unless it is:

- Declared under Section 21 of the Building Act to be accepted development
- Carried out by, or for, the State or a public sector entity—to the extent the building work complies with the relevant provisions for the building work.

3.4.5.2 Relevance to the Project

Development approvals for building works under the Planning Act are expected to be required for components of the Project.

3.4.5.3 Project compliance

Development permits for building work will be obtained for buildings and structures including site offices and the tunnel control centre to support construction and operation of the Project. Applications will be made as required or triggered during detailed design.

3.4.6 Disaster Management Act 2003

3.4.6.1 Overview

The main objectives of the *Disaster Management Act 2003* (Qld) are to:

- Help communities:
  - Mitigate the potential adverse effects of an event
  - Prepare for managing the effects of an event
  - Effectively respond to, and recover from, a disaster or an emergency
- Provide for effective disaster management.

A disaster is defined in Section 13 of the *Disaster Management Act 2003* as being a serious disruption in a community, caused by the impact of an event, that requires a significant coordinated response by the State and other entities to help the community recover from the disruption.

Under Section 16 of the *Disaster Management Act 2003*, an event is defined as any of the following:

a) a cyclone, earthquake, flood, storm, storm tide, tornado, tsunami, volcanic eruption or other natural happening;

b) an explosion or fire, a chemical, fuel or oil spill, or a gas leak;

c) an infestation, plague or epidemic;

d) a failure of, or disruption to, an essential service or infrastructure;

e) an attack against the State;

f) another event similar to an event mentioned in paragraphs (a) to (e).

An event may be natural or caused by human acts or omissions.

Serious disruption means:

- Loss of human life, illness or injury to humans
- Widespread or severe property loss or damage
- Widespread or severe damage to the environment.

3.4.6.2 Relevance to the Project

Chapter 20: Hazard and risk identifies a number of potential hazards and risks in the existing environment in the absence of the Project and also a number of potential hazards that have the potential to exist with the development of the Project. Example hazards relevant to the *Disaster Management Act 2003* include:

- Natural hazards that are external risks on the Project:
  - Greenhouse gas and climate change (e.g. increase in temperature and rainfall events)
  - Bushfire
  - Flooding and storm events
  - Landslides, sudden subsidence and movement of soil or rocks
  - Wildlife
- Potential hazards that exist with the development of the Project:
  - The Project crosses areas of steep slopes, significant cuttings and the use of a tunnel. The inclusion of the Little Liverpool Range Tunnel aims to reduce the risk of landslips; however, tunnels introduce other hazards associated with the risk of trespass, fire, explosion, flooding and subsidence. A serious accident in the tunnel would potentially involve temporary closure and significant expenditure for repair
  - Road and rail incidents
  - Conflicts with infrastructure and services
  - The construction of the tunnel may involve blasting activities using explosives
  - Freight of dangerous goods and/or hazardous chemicals during operation of the Project.

If these hazards are not managed appropriately, the possibility of a disaster increases.

3.4.6.3 Project compliance

The Project has assessed potential hazards and risks that, if not identified and managed appropriately, may increase the possibility of a disaster.

The design of the Project has been developed to minimise the risk of potential hazards, including:

- The Project will implement safety measures for the potential damage of tracks and assets as a result of extreme hot weather events, such as considering the use of elastic fasteners or heavier sleepers to reduce the risk of track buckling, selection of materials and colour to reduce heat load on trackside equipment
- The Project's detailed design phase will include provision of access where local roads can facilitate emergency access, first-response firefighting, accessible and enough water supply for firefighting purposes and safe evacuation
- Drainage reference design has been undertaken to control cross flow and longitudinal flow from local and regional catchments to ensure the Project has the required immunity and that there are minimal impacts
- The Project has been designed to achieve a 1% annual exceedance probability flood immunity and at the same time to minimise unacceptable impacts on the existing flooding and drainage regime
- Design and ratings of earthwork and geotechnical structures including culverts, viaducts, and bridges have been developed in accordance with geotechnical investigation findings and slope design to minimise risk from landslides and subsidence

- The design of the Little Liverpool Range Tunnel is based on geotechnical assessment and detailed ground modelling. Parameters such as space proofing, cross section, structure, design life and tunnel linings will meet the requirement of relevant Australian Standards. The tunnel has been designed with natural ventilation for management of heat, particulate matter, and gases.

Refer to Chapter 20: Hazard and risk for a detailed discussion of the proposed mitigation measures regarding hazard and risks.

3.4.7 Electricity Act 1994

3.4.7.1 Overview

The *Electricity Act 1994* (Electricity Act) is the main legislation governing Queensland's electricity industry and provides a framework for the generation, transmission and distribution. Under the Electricity Act, the Department of Energy and Public Works (former Department of Natural Resources, Mines and Energy (DNRME)) issues relevant authorities.

Assessable development, including development for an MCU, reconfiguring a lot and operational work within electricity easements and within 100 metres (m) of substation sites, trigger referral under the Planning Regulation. These referral triggers allow electricity distribution and transmission entities, as advice agencies, to assess how development will interface with electricity infrastructure that forms part of the distribution and transmission network.

Network service providers manage user connections to the electricity distribution network.

3.4.7.2 Relevance to the Project

Various aspects of the Project may require connection into the existing distribution network.

The EIS investigation corridor also interfaces with electricity infrastructure. Subject to detailed design and siting investigations, this may include ancillary uses and activities located outside of the Project disturbance footprint (e.g. concrete batch plants).

3.4.7.3 Project compliance

The Project will comply with the requirements of the Electricity Act through consultation and approval of connection plans with the appropriate distribution network service provider. Pending detailed design and siting investigations, development applications will (where necessary) be referred to the appropriate electricity entity for assessment where works and/or infrastructure are proposed within electricity easements.

A number of utility relocations, including for water, sewer and electricity, will be required prior to construction of relevant project works. These utility relocations will be undertaken by the utility provider and are not assessed as part of the Project.

The utility relocations will be subject to separate assessments, with all necessary approvals obtained prior to the relocation being undertaken.

3.4.8 Electrical Safety Act 2002

3.4.8.1 Overview

The *Electrical Safety Act 2002* (Qld) (Electrical Safety Act) is the legislative framework for electrical safety in Queensland.

The purpose of the Electrical Safety Act is to prevent people from being killed or injured and property from being destroyed or damaged by electricity.

3.4.8.2 Relevance to the Project

The Project will impact on electricity utilities consisting of overhead powerlines owned by Energex and Powerlink. Further, electricity supply will be needed for points, signalling and other infrastructure for the Project. In addition, the tunnel through the Little Liverpool Range will require a substation building for power supply and distribution to electrical equipment. It is anticipated that the supply of these services will be delivered by relevant providers under the terms of their respective approvals and/or assessment process (including exemptions). Chapter 6: Project description provides further discussion on the utility/service crossings and supply requirements for the Project.

The Project has identified the potential for construction activities around existing services to introduce a risk of collision of plant and equipment with aboveground services (e.g. transmission lines). Further, interactions with existing services could pose a risk to public safety and the natural environment and habitat. Damage to or contact with services during construction could result in service outage to nearby communities. Chapter 20: Hazard and risk provides further discussion on these potential impacts and the mitigation measures proposed.

3.4.8.3 Project compliance

Overhead transmission lines and buried telecommunication cables will be identified before construction to ensure that construction and operation do not interfere or damage the utilities as per the requirements of the *Electrical Safety Act 2002*. The Project has considered the design of the alignment to minimise the potential interference with these overhead utilities.

The Project will also comply with the clearance distance as specified in the ARTC *Engineering Standard for Requirements—Electric Aerials Crossing ARTC Infrastructure* (ARTC, 2005a) to ensure sufficient clearance and prevent contact with live electricity.

3.4.9 Environmental Offsets Act 2014

3.4.9.1 Overview

The *Environmental Offsets Act 2014* (Qld) (EO Act) establishes a framework for environmental offsets in Queensland to counterbalance any potential significant residual impacts of particular activities on prescribed environmental matters through the use of environmental offsets. The framework includes the:

- EO Act
- Environmental Offsets Regulation 2014 (Qld) (EO Regulation)
- Queensland Environmental Offsets Policy.

An environmental offset may be required as a condition of certain approvals, following consideration of avoidance and mitigation measures, if the prescribed activity is likely to result in a potential significant residual impact on prescribed environmental matters.

The EO Act defines a prescribed environmental matter as any of the following: MNES, Matters of state environmental significance (MSES), Matters of local environmental significance (MLES).

Once the administering authority has decided that a prescribed activity is required to provide an offset, the offset is required to be delivered in accordance with the EO Act, the EO Regulation and the Queensland Environmental Offsets Policy.

To avoid duplication of offset conditions between jurisdictions, State and local governments can only impose an offset condition in relation to a prescribed activity, if the same, or substantially the same impact, and the same, or substantially the same matter, has not been subject to assessment under the EPBC Act, *Great Barrier Reef Marine Act 1975* (Cth) or another Commonwealth act prescribed by regulation.

The EO Act does not affect or limit the functions of the Coordinator-General under the SDPWO Act to impose offset conditions, irrespective of the EO Act.

Environmental offsets for potential significant residual impacts to a prescribed matter may be delivered through a proponent-driven offset (e.g. land-based offset), a financial offset calculated in accordance with the Financial Settlement Offset Calculation Methodology, or a combination of proponent driven and financial offsets.

3.4.9.2 Relevance to the Project

There is the potential for some Project activities to have a cumulative, irreversible and/or permanent impact on some MNES and MSES, even after the implementation of all mitigation measures, including rehabilitation and reinstatement. In these cases, the residual impact will require an offset to be provided if the residual impact is considered significant in accordance with the EPBC Act, EO Act and relevant policies.

3.4.9.3 Project compliance

ARTC proposes to develop an Environmental Offset Delivery Plan and deliver its offset obligations post-EIS, following detailed design. Further discussion is provided in Chapter 11: Flora and fauna, Appendix I: Terrestrial and Aquatic Ecology Technical Report, Appendix J: Matters of National Environmental Significance.

3.4.10 Environmental Protection Act 1994

3.4.10.1 Overview

The EP Act is Queensland's overarching environmental legislative framework for the protection and management of environmental values. The aim of the EP Act is to protect Queensland's environment, associated ecological systems and processes while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes. The EP Act regulates activities that will or may have the potential to cause environmental harm and prescribes several mechanisms to ensure the objectives of the EP Act are met.

The EP Act also lists obligations and duties to prevent environmental harm, nuisance and contamination. The two primary duties that apply to all in Queensland are:

- General environmental duty—which means a person must not carry out any activity that causes, or is likely to cause, environmental harm unless all reasonable and practicable measures to prevent or minimise the harm have been taken (Section 319(1) of the EP Act). Environmental harm is defined in Section 14 of the EP Act as *'any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value, and includes environmental nuisance'.*
- Duty to notify of environmental harm—to inform the administering authority and landowner or occupier when an incident has occurred that may have caused or threatens serious or material environmental harm that is not authorised.

The EP Act also provides the power to administering authorities to order actions to be taken to improve environmental performance, conduct audits and environmental evaluations of activities, approve environmental management programs and impose penalties or prosecute persons for non-compliance with the requirements of the EP Act.

The EP Act, together with the Planning Act, provides a licensing regime for ERAs. ERAs are prescribed under Schedule 2 of the Environmental Protection Regulation 2019 (Qld) (EP Regulation) and include activities where the Governor in Council is satisfied that:

- A contaminant will or may be released into the environment where the activity is carried out
- The release of the contaminant will or may cause environmental harm.

Approval in the form of an EA is required to lawfully undertake a prescribed ERA under Schedule 2 of the EP Regulation. Where a prescribed ERA is also listed as a Concurrence ERA in Schedule 2, a development permit for an MCU under the Planning Act is also required where a change of land use occurs.

The EP Act also requires that any person carrying out an ERA must be a Registered Suitable Operator, which is a person or corporation who has been registered by the Department of Environment and Science (DES) as being suitable to undertake an ERA. Once a person or corporation becomes registered, the registration remains in effect unless it is suspended or cancelled.

The following Environmental Protection Policy (EPP) subordinate legislation supports the operation of the EP Act:

- *Environmental Protection (Air) Policy 2019* (EPP (Air))
- *Environmental Protection (Noise) Policy 2019* (EPP (Noise))
- *Environmental Protection (Water and Wetland Biodiversity) Policy 2019* (EPP (Water and Wetland Biodiversity)).

DES has also developed a suite of guidelines to assist proponents by specifying the information that must be included within an application for an EA. The guidelines include information required in relation to impacts to land, water and air.

In addition to provisions under the EP Act relating to the assessment and management of contaminated land, the EP Act also contains provisions for the lawful disposal of contaminated soil. Under Section 739 of the EP Act, the removal and disposal of contaminated soil from land that is recorded on the Contaminated Land Register (CLR) or Environmental Management Register (EMR) to an offsite location must obtain a disposal permit in order to lawfully undertake the works. Disposal permits enable appropriate and legal disposal and tracking of contaminated soil or materials

3.4.10.2 Relevance to the Project

Under the EP Act, assessment and approval is required if the Project involves:

- Prescribed ERAs
- Movement of soil from land on the EMR or CLR.

Further, when considering the Project works, and as part of making any environmental management decision under the EP Act, the administering authority is required to have regard to the matters set out under the EP Regulation, which includes consideration of the relevant EPPs.

The following ERAs prescribed under Schedule 2 of the EP Regulation are anticipated to be required as part of the Project's construction phase:

- Chemical storage (ERA 8). Thresholds for this activity include:
    1. a total of 50 tonnes (t) or more of chemicals of dangerous goods class 1 or class 2, division 2.3 under subsection (1)(a)
    2. 50 t or more of chemicals of dangerous goods class 6, division 6.1 under subsection (1)(b)
    3. more than 500 cubic metres (m^3) of chemicals of class C1 or C2 combustible liquids under Australian Standard (AS) 1940 or dangerous goods class 3 under subsection (1)(c)
    4. 200 t or more of chemicals that are solids or gases, other than chemicals mentioned in items 1 to 3, under subsection (1)(d)
    5. 200 m^3 or more of chemicals that are liquids, other than chemicals mentioned in items 1 to 3, under subsection (1)(d).
- Extractive and screening activities (ERA 16). Thresholds for this activity include:
    - Extracting, other than by dredging, in a year, the following quantity of material—
        a) 5,000 t to 100,000 t
        b) More than 100,000 t but not more than 1,000,000 t
        c) More than 1,000,000 t
    - Screening, in a year, the following quantity of material—
        a) 5,000 t to 100,000 t
        b) More than 100,000 t but not more than 1,000,000 t
        c) More than 1,000,000 t.

- Cement manufacturing (ERA 41). Thresholds for this activity include, in a year:
  - Manufacturing 200 t or more of cement; or
  - Calcining 200 t or more of limestone.
- Regulated waste transport (ERA 57), which consists of transporting regulated waste in a vehicle. Some exclusions apply, including:
  - Transporting no more than 175 kg of asbestos in a vehicle
  - Self-haul transporting no more than 250 kg of regulated waste
  - Transporting waste by a State or local government entity if—
    i) The waste is generated by or for the entity as a result of the construction or maintenance of a State-controlled road, local government road or railway corridor; and
    ii) The transportation is between sites owned or operated by a State or local government entity.
- Water treatment (ERA 64). Thresholds for this activity include:
  1. desalinating, in a day, the following quantity of water, allowing the release of waste only to seawater:
     a) 0.5 megalitres (ML) to 5 ML
     b) More than 5 ML
  2. desalinating, in a day, the following quantity of water, allowing the release of waste to waters other than sea water:
     a) 0.5 ML to 5 ML
     b) More than 5 ML
  3. treating 10 ML or more raw water in a day
  4. carrying out, in a day, advanced treatment of 5ML or more of water, allowing the release of waste:
     – only to seawater; or
     – to waters other than seawater.

3.4.10.3 Project compliance

ARTC will comply with the general environmental duty under the EP Act through the implementation of the draft Outline EMP for the Project. The draft Outline EMP reflects the requirements outlined in the EPP (Air), EPP (Noise) and EPP (Water and Wetland Biodiversity). Further discussion of the Project's consideration of the EPP requirements is contained in Chapter 12: Air quality, Chapter 15: Noise and vibration, Chapter 13: Surface water and hydrology, and Chapter 23: Draft Outline Environmental Management Plan.

The type and location of ERAs required in support of construction of the Project are yet to be confirmed. Therefore, the Project is not seeking approval for ERAs as part of the EIS assessment process. Separate applications will be made to regulators when an appropriate level of information is available.

Relevant statutory approvals including EAs, development permits for an MCU for a concurrence ERA and Suitable Operator Registration will be obtained by the appointed contractor before commencing the relevant works. Applicants for EAs will consider relevant guidelines, including but not limited to, *Guideline: Environmental authorities—Approval processes for environmental authorities* (DES ESR/2015/1743 Version 5 or later (DES, 2015a))) and the relevant guidelines regarding application requirements for activities with impacts to land, water and air.

Where soil from a landholding listed on the EMR/CLR cannot be treated or managed onsite and requires removal offsite, a disposal permit will be obtained by the approved contractor to authorise movement of the soil to a licensed waste disposal or treatment facility.

3.4.11 Explosives Act 1999

3.4.11.1 Overview

The *Explosives Act 1999* (Qld) (Explosives Act) provides a framework to ensure the safe use, storage, handling and disposal of explosive material so as not to endanger persons, property or the environment. The Explosives Act is enforced by Resources Safety and Health Queensland (former DNRME's) Explosives Inspectorate.

Under the Explosives Act, blasting can only be conducted by a person holding a shotfirer's licence.

Notification obligations for the use of explosives in blasting other than at a mine or explosives factory are set out in Section 154(1) and 155 of the Explosives Regulation 2017 (Qld) (Explosives Regulation). Under the Explosives Regulation, a Blasting Notification Form must be lodged with the Resources Safety and Health Queensland (former (DNRME's) Explosives Inspectorate a minimum of seven days before the blasting is to occur.

The requirements for a Blasting Notification are set out in Section 154(2) of the Explosives Act.

3.4.11.2 Relevance to the Project

Explosives may be used during construction of the Project to advance excavations by blasting rock in locations where substantial cuts are required, including for the proposed tunnel through the Little Liverpool Range. Anticipated blasting requirements have been outlined in Chapter 15: Noise and vibration.

3.4.11.3 Project compliance

Explosives will be transported, stored and used in a manner that is compliant with the following requirements:

- Explosives Act
- Part 8 of the Explosives Regulation and AS 2187-1998 for the storage of explosives (Standards Australia, 1998)
- Part 9 of the Explosives Regulation, the Australian Explosives Code and the Australian Dangerous Goods Code for the transport of explosives (National Transport Commission, 2018)
- Part 10 of the Explosives Regulation and AS 2187-1998 for the use of explosives (Standards Australia, 1998).

3.4.12 Fire and Rescue Services Act 1990

3.4.12.1 Overview

The objectives of the *Fire and Rescue Services Act 1990* (Qld) are to:

- Provide for the prevention of, and responses to, fires and other emergency incidents
- Provide for rescue services and operations
- Establish a framework for the management of:
  - The Queensland Fire and Emergency Service
  - The State Emergency Service
  - Emergency service units established for an emergency service area
  - The conduct of authorised rescue officers.

3.4.12.2 Relevance to the Project

Construction works and relevant activities will require ongoing engagement with emergency services.

During operations, tunnel operations will require power and water supplies for ventilation, maintenance and fire safety. It is anticipated that the supply of these services will be delivered by relevant providers. Fire pumps and tanks will be required to support the operation of the tunnel through the Little Liverpool Range.

In case of the train stopping in the tunnel due to fire or other emergency the design incorporates a fire-rated longitudinal egress passage.

3.4.12.3 Project compliance

During the construction phase, emergency services will be kept informed of Project progress and any changes in, or updates to, relevant management plans. This will ensure services are maintained in both the local area and surrounding region.

The tunnel design has incorporated fire and life safety mitigation measures, to ensure appropriate facilities are available. These mitigation measures include limiting the amount of combustible materials used in construction, providing fire detection systems, preventing derailed trains from entering the tunnel, and preventing trains that are on fire from stopping in the tunnel.

3.4.13 Fisheries Act 1994

3.4.13.1 Overview

The *Fisheries Act 1994* (Qld) (Fisheries Act) provides for the use, conservation, and enhancement of the fisheries resources and fish habitats in Queensland. DAF is responsible for the conservation and management of fish habitats in Queensland, and for assessing fisheries development under the Fisheries Act in combination with the Planning Act.

Schedule 1 of the Fisheries Act defines waterway barrier works as a dam, weir, or other barrier across a waterway if the barrier limits fish stock access and movement along the waterway. Fisheries development for, relevantly, operational work that is the construction or raising of waterway barrier works can either be assessable or accepted development under the Planning Act and Fisheries Act.

Fisheries development that is accepted development must comply with all of the requirements within the relevant accepted development requirements. If the development does not comply, it is assessable development and a development permit for operational works must be obtained to authorise the works.

3.4.13.2 Relevance to the Project

Activities associated with the Project, such as the construction of the rail line and access roads will require works across waterways. The Project disturbance footprint transverses mapped waterways requiring waterway barrier works and therefore will trigger the requirement to obtain development permits for operational works that is constructing or raising waterway barrier works, unless the works are accepted development under the Fisheries Act. Rail line and access road construction works will need to comply with the *Accepted development requirements for operational work that is constructing or raising waterway barrier works* (October 2018).

Along the EIS Project alignment, there are 26 marked waterways, which are intersected by the Project 29 times. The waterways are classified on a colour-coded scale based on the potential risk of impact (low to major) following the Queensland Waterways for Waterway Barrier Works Mapping:

- Low risk of impact (Category 1)—12 mapped as 'Low' (green)
- Moderate risk of impact (Category 2)—6 waterways mapped as 'Moderate' (amber)
- High risk of impact (Category 3)—3 waterways mapped as 'High' (red)
- Major risk of impact (Category 4)—8 waterways mapped as 'Major' (purple).

3.4.13.3 Project compliance

Project design criteria for cross drainage structures that interface with mapped waterways have been developed to meet the accepted development requirements for Category 1, Category 2 and Category 3 waterways. The design of each cross drainage and bridge structure intersecting a mapped waterway will be verified at the detailed design stage to confirm compliance with the accepted development criteria.

Engagement with the DAF will be required to confirm whether the proposed works constitute a waterway barrier. This is particularly relevant to culverts and bridges with in-stream components such as piers and scour protection.

Where structures do not meet the accepted development requirements (including bridges that constitute waterway barrier works), development permits for operational works that is constructing or raising waterway barrier works (Planning Regulation, Schedule 10, Part 6, Division 4, Section 12) will need to be obtained.

Chapter 11: Flora and fauna and Chapter 13: Surface water and hydrology provide further detail regarding aquatic environments and waterways affected by the Project.

3.4.14 Forestry Act 1959

3.4.14.1 Overview

The purpose of the *Forestry Act 1959* (Qld) (Forestry Act) is to provide for forest reservations: management, treatment and protection of State forests, the appropriate sale and disposal of forest products and quarry material, and the property of the Crown on State forests.

State land includes State forests, leasehold land and USL. The Forestry Act manages and protects State forests and State-owned forest resources. Under Section 45 of the Forestry Act, the Crown has ownership of all forest products. Section 53 and Section 54 prohibit interference with forest products on State land other than under a permit granted under the Forestry Act or another act.

The Forestry Act seeks to regulate the sale and disposal of the State's native forest products and quarry materials within these areas and on other Crown land.

Section 25 of the Forestry Act gives power to the Governor in Council, by way of regulation, to set apart and declare particular land as a State forest. This includes any Crown land, or land that is part of an existing timber reserve, or a forest reserve that is declared under the *Nature Conservation Act 1992* (Qld) (NC Act).

An allocation of quarry material is required to interfere with any forest products in any State forest, timber reserve, forest entitlement area and on leasehold land or USL.

3.4.14.2 Relevance to the Project

The Project does not traverse any areas of State forest, timber reserves, forest entitlement areas or USL, but does traverse leasehold land.

Chapter 8: Land use and tenure and Appendix G: Directly Impacted Properties describes the land uses and land tenure directly impacted by the Project.

3.4.14.3 Project compliance

Where necessary, an allocation of quarry material will be sought for the removal of materials within the applicable tenures.

3.4.15 Land Act 1994

3.4.15.1 Overview

With the exception of freehold land, tenure and interests in land in Queensland are primarily administered by the Department of Resources (former DNRME) under the provisions of the *Land Act 1994* (Qld) (Land Act). The Land Act prescribes the framework for the allocation of non-freehold land tenure and regulates the management of State land in Queensland for the benefit of the people by having regard to seven key principles: sustainability, evaluation, development, community purpose, protection, consultation and administration.

Chapter 3, Part 2 of the Land Act provides for the dedication and opening of roads, the closing of roads (including temporary and permanent road closure applications) and the issuing of road licences for temporarily closed roads.

The Department of Resources (former DNRME) requires tenure to be issued under the Land Act for the occupation of a reserve, road or area of USL. A permit to occupy is also required for any underground infrastructure that is proposed beneath land governed by State held tenure.

3.4.15.2 Relevance to the Project

The permanent operational disturbance footprint traverses' roads, State Land Lease, reserve tenure and other unallocated State land. The Project will also require temporary access to, and use of, non-freehold land for construction. Tenure or interest in State land, including for roads, will likely be undertaken in accordance with the Land Act.

3.4.15.3 Project compliance

Where the Project requires tenure or interest in State land, ARTC and/or the constructing authority will engage with the relevant State Land Asset Management (SLAM) Unit within the Department of Resources (former DNRME) and, where applicable, the relevant asset owner to discuss options and to begin proceedings under the Land Act. In addition, ARTC will also liaise with adjoining property owners and the relevant road/rail manager (local government, Department of Transport and Main Roads (DTMR) or Queensland Rail) in the instance that temporary or permanent works (such as road closures) are required.

3.4.16 Mineral Resources Act 1989

3.4.16.1 Overview

The *Mineral Resources Act 1989* (Qld) provides the framework for exploration, development and mining tenure. Under the *Mineral Resources Act 1989*, the following mining tenements can be granted:

- Prospecting permits—a prospecting permit can be sought for any mineral other than coal. It entitles the holder to prospect, hand-mine and peg a mining lease or claim.
- Exploration permits—exploration permits allow for more advanced methods to determine the quantity and quality of materials present. Permitted activities under exploration permit includes prospecting, conducting geophysical surveys, drilling and sampling and testing of materials.
- Mineral development licences—mineral development licences are issued to allow the holder to evaluate the development potential of the defined resource. Mineral development licences can be granted if an exploration permit is held where there is a significant mineral occurrence of possible economic potential.
- Mining claims—a mining claim can be issued for any mineral other than coal. A mining claim allows the holder to conduct small-scale mining operations such as prospecting and hand-mining.
- Mining leases—a mining lease allows the holder to conduct larger-scale mining operations. Mining leases can be issued for any specified material, with permitted activities within the lease area including machine mining or other activities associated with mining or promoting the activity of mining.

3.4.16.2 Relevance to the Project

There are no mineral resource interests located within the permanent operational disturbance footprint. There are six granted mining leases and one mining lease application within the EIS investigation corridor at Helidon, between approximate chainages (Ch) 28.00 km and Ch 30.00 km. These mining leases are predominantly associated with established sandstone mining operations and are detailed in Chapter 8: Land use and tenure.

The Project disturbance footprint does not traverse the mining leases at Helidon. It is therefore considered unlikely the Project will impact on the mining operations associated with these existing mining leases.

3.4.16.3 Project compliance

Although not required under the *Mineral Resources Act 1989,* consultation with relevant holders of mining leases will be undertaken during detailed design.

3.4.17 Native Title (Queensland) Act 1993

3.4.17.1 Overview

Consistent with the NT Act, the *Native Title (Queensland) Act 1993* provides for validation of certain historic acts undertaken in Queensland that were invalidated because of the existence of native title. The NT Act confirms that particular acts previously undertaken have resulted in the extinguishment of native title. The Native Title (Queensland) Act 1993 has been developed to ensure that Queensland law is consistent with standards set by the NT Act for future dealings affecting native title.

3.4.17.2 Relevance to the Project

Tenure within the permanent operational disturbance footprint is predominately freehold where, pursuant to the *Native Title (Queensland) Act 1993,* native title rights have been extinguished, except in the instance where freehold tenure was invalidly granted.

The Project's permanent operational disturbance footprint is wholly located within an area that is subject to one active native title claim by the Yuggera Ugarapul People and contains land where registered Aboriginal parties can claim native title.

Details on native title claims are further discussed in Chapter 8: Land use and tenure.

3.4.17.3 Project compliance

Where it is determined that native title has not be extinguished within the permanent operational disturbance footprint, ARTC will seek the extinguishment of the native title rights and interests in question prior to construction of the Project, by compulsory process, to enable the grant of the necessary interests in Crown lands required to construct the Project.

Details on native title claims are further discussed in Chapter 8: Land use and tenure.

3.4.18 Nature Conservation Act 1992

3.4.18.1 Overview

The NC Act is the principal piece of legislation governing nature conservation in Queensland. The objective of the NC Act is the conservation of nature while allowing for the involvement of landowners and Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom. A framework is created under the NC Act for the dedication, declaration and management of protected areas, protection of wildlife and its habitat.

The NC Act also includes mechanisms for the protection of protected areas.

In Queensland, threatened species are listed under the NC Act in the following categories:

- Extinct
- Extinct in the wild
- Critically endangered
- Endangered
- Vulnerable
- Near threatened, where a species is at risk of becoming threatened (in the near future)
- Special least concern, where a species is likely to be subject to increased harvesting pressure due to its commercial and recreational demand, and the nature of its growth and reproduction
- Least concern.

The Nature Conservation (Animals) Regulation 2020 and Nature Conservation (Plants) Regulation 2020 (replacing the previously repealed Nature Conservation (Wildlife) Regulation 2006) lists the flora and fauna recognised as extinct in the wild, or endangered, vulnerable, or near-threatened (EVNT). Nature Conservation (Animals) Regulation 2020 and Nature Conservation (Plants) Regulation 2020 further addresses the significance and declared management intent for each class.

Authorisations are required under the NC Act for any proposed clearing that impacts any EVNT species (clearing permit), any proposed clearing within a mapped 'flora survey trigger area' for which no impact to ENVT species will occur (exempt clearing notification) as well as the tampering of an animal breeding place (low-risk or high-risk species management program), interfering with a cultural or natural resource in a protected area or erecting a structure in a protected area.

Further, a person must not take, use, keep or interfere with a protected animal unless the person is an authorised person. A person, other than an authorised person, must not take, use, keep or interfere with native wildlife (other than protected wildlife) in an area that is identified under a regulation or a conservation plan as, or including, a critical habitat or an area of major interest. Permits and licences are required to authorise interference with certain native wildlife.

3.4.18.2 Relevance to the Project

Clearing of vegetation and works associated with the Project may impact on EVNT flora and fauna species, as listed under the NC Act.

During desktop assessment for fauna species, 30 conservation-significant species identified under the provisions of the NC Act were predicted or are known to occur with the EIS investigation corridor. Of these 30 conservation significant species, five are considered likely to occur within the EIS investigation corridor based on specimen and database records and/or the presence of suitable habitat, with a further 23 species being considered possible to occur based on the presence of suitable habitat. During the Project EIS field assessments, three conservation-significant species were recorded.

During desktop assessments for flora species, 17 conservation significant species identified under the provisions of the NC Act were predicted or are known to occur with the EIS investigation corridor. Of these 17 conservation-significant species, three are considered likely to occur within the ecology study area based on specimen and database records and/or the presence of suitable habitat, with a further nine species being considered possible to occur based on the presence of suitable habitat. During the Project EIS field assessments, no conservation significant flora species were recorded.

The following permits and management plans may be required for the Project:

- Wildlife Movement Permits (Sections 88 and 97 of the NC Act)—for wildlife protected under the NC Act, and those found in certain areas covered by conservation plans created and implemented under the NC Act
- Clearing Permit (Protected Plants) (Section 89 of the NC Act)—for the clearing of vegetation contained within high-risk areas identified on the DES flora survey trigger map
- Rehabilitation Permit (spotter–catcher endorsement) (Section 200 of the Nature Conservation (Animals) Regulation 2020)
- Damage Mitigation Permit (removal and relocation) (Section 161 of the Nature Conservation (Animals) Regulation 2020)
- Species Management Plan submitted to the DES for approval for tampering with some animal breeding places (Section 335 of the Nature Conservation (Animals) Regulation 2020).

3.4.18.3 Project compliance

Where a permit is required under the NC Act in support of proposed Project activities, the necessary permit will either be obtained by the construction contractor in advance of commencing the activity, or an appropriately licensed specialist holding valid permits, will be engaged to undertake the task.

Permit requirements are included in the Flora and Fauna Sub-plan of the draft Outline EMP (Chapter 23: Draft Outline Environmental Management Plan).

Chapter 11: Flora and fauna describes the biodiversity and natural environmental values of the terrestrial and aquatic ecology likely to be impacted by the Project.

3.4.19 Petroleum and Gas (Production and Safety) Act 2004

3.4.19.1 Overview

Several different authorities for petroleum and gas exploration and production activities in Queensland are regulated under the *Petroleum and Gas (Production and Safety) Act 2004* (Qld). Petroleum and gas authorities are granted for:

- Exploration—authority to prospect (ATP), potential commercial area (PCA)
- Production—petroleum lease
- Infrastructure development—petroleum facility licence and petroleum pipeline licence (PPL)
- Information gathering—petroleum survey licence, water monitoring authority and data acquisition authority.

The holder of the ATP may carry out the following activities within the area of the authority:

- Explore for petroleum
- Test for petroleum production
- Evaluate the feasibility of petroleum production
- Evaluate or test natural underground reservoirs for the storage of petroleum or a prescribed storage gas.

An ATP area can be declared a PCA under Section 90 of the *Petroleum and Gas (Production and Safety) Act 2004.* A PCA retains an ATP beyond its term to provide more time to commercialise the resource.

3.4.19.2 Relevance to the Project

At Helidon, the permanent operational disturbance footprint crosses one petroleum pipeline licence (between approximate Ch 27.0 km to 29.0 km) associated with the Roma to Brisbane Pipeline (PPL 2). This petroleum pipeline licence is held by APT Petroleum Pipelines Pty Limited (PPL 2).

When passing through Grandchester and Calvert, the permanent operational disturbance footprint crosses a high-pressure oil pipeline licence (at approximate Ch 65.0 km) associated with the Moonie Oil Pipeline (PPL 1). This pipeline has been decommissioned; however, it remains in-situ and the easement relating to the pipeline remains in place and is held by Santos Limited. Further discussion is provided in Chapter 8: Land use and tenure.

There are no petroleum and gas exploration or production permits granted within the EIS investigation corridor.

3.4.19.3 Project compliance

Consultation will be undertaken with respective infrastructure regarding asset interface requirements. Details on consultation is provided in Chapter 5: Stakeholder engagement and Appendix C: Consultation Report.

3.4.20 Planning Act 2016

3.4.20.1 Overview

The Planning Act establishes the framework and overarching policy for land use planning for the State. The purpose of the Planning Act is to *'establish an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning and development assessment to facilitate the achievement of ecological sustainability'*. This is achieved through:

- The protection of ecological processes and natural systems at local, regional, State, and wider levels
- Economic development
- The maintenance of the cultural, economic, physical and social wellbeing of people and communities.

Under the Planning Act, development is either accepted, assessable or prohibited. The Planning Act also establishes a development assessment system (DA Rules), by which assessment managers assess and make decisions on development applications. The DA Rules set out a standardised assessment process to ensure State-wide consistency and transparency in development assessment.

Where a development application is required to be made under the Planning Act, Section 51 of the Planning Act requires that the application must be accompanied by the written consent of the landowner to support the application where the applicant is not the owner of the premises, and the application is for:

- An MCU or reconfiguring of a lot
- Works on premises below high-water mark and outside a canal
- Premises that are not excluded premises (i.e. premises that are a servient tenement for an easement, if the development is consistent with the easement's terms or if the premises are acquisition land, if the application relates to the purpose for which the land is to be taken or acquired).

Development that is prescribed as assessable development by the State in Schedule 10 of the Planning Regulation or by a local government through a planning scheme is development for which an application for development approval is required under the Planning Act, together with the relevant assessment manager and referral agencies identified in Schedule 10 and Schedule 8 of the Planning Regulation.

Through the State Assessment and Referral Agency, the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) former Department of State Development, Tourism and Innovation (DSDTI)) coordinates the referral process for development applications where the State has a jurisdiction under Schedule 8 or Schedule 10 of the Planning Regulation.

Under Division 4, Subdivision 1 of the SDPWO Act, there are provisions within the development assessment process for the assessment of development that is the subject of an EIS. These provisions are discussed in Section 3.2.1.4.

Schedule 6 of the Planning Regulation identifies development that cannot be made assessable under a local government planning scheme. This includes:

> *Schedule 6, Part 5, Section 26—infrastructure activities:*
>
> 1. *Development for ancillary works and encroachments for a road carried out by or for the State*
> 2. *Development for the construction of the following infrastructure, if the infrastructure is* ***government supported transport infrastructure****—*
>
> ***d)*** **transport infrastructure**
>
> 3. *Development that-*
>
> *a) is adjacent to—*
>
> *iv) transport infrastructure; and*
>
> *b) ancillary to the use, maintenance, repair or upgrading of the infrastructure.*

The following definition under Schedule 24 is relevant to the applicability of this exemption:

> *'government supported transport infrastructure' means infrastructure for transport that is for public use and funded, wholly or partly, by the State or Commonwealth, or provided by a person, other than under a development approval or infrastructure agreement, on conditions that are agreed to by the Government, and are intended to support the commercial viability of the infrastructure.*

This definition relies on the terms 'transport infrastructure' and 'rail transport infrastructure', which are defined under Schedule 6 of the *Transport Infrastructure Act* 1994 (Qld) (TI Act). A discussion of these is provided in Section 3.4.29.

The definition also relies on the term 'public use'. 'Public use' is not defined in the Planning Act and therefore the phrase has its ordinary meaning.

Schedule 7 of the Planning Regulation identifies development that is accepted development for which approval is not required. Under Part 3, development includes operational work for constructing or raising a waterway barrier, where the requirements for the works are prescribed under Fisheries Act, and the work complies with the requirements (i.e. the accepted development requirements for operational work that is constructing or raising of waterway barrier works). Further discussion about the approval requirements for waterway barrier works and exemptions is provided in Section 3.4.13.

Schedule 21 of the Planning Regulation also identifies vegetation clearing work that is exempt and for which approval is not required. A discussion of this is provided in Section 3.4.32.

The Queensland State Development Assessment Provisions (SDAP) are the assessment benchmarks used by the State in development assessment in accordance with the Planning Regulation. The SDAP is a statutory instrument under the Planning Act and has effect throughout the State where the chief executive is the assessment manager or referral agency for development applications that affect a state interest. Under the Planning Act, a State interest is defined as an interest that the Planning Minister considers affects an economic or environmental interest of the State or part of the State, or affects the interest for/of ensuring that the purpose of the Planning Act is achieved.

The SDAP consists of state codes, which are supported by Development Assessment mapping. Applicants must address the relevant state codes of the SDAP as part of a development application.

3.4.20.2 Relevance to the Project

The coordinated project declaration for the Project under the SDPWO Act does not exempt ARTC from the need to obtain relevant development approvals or infrastructure designation under the Planning Act.

The Project is, however, considered exempt from assessment under a local government planning scheme by Schedule 6, Part 5, Section 26 as 'government supported transport infrastructure' given:

- It is infrastructure for transport, being rail transport infrastructure as defined under Schedule 6 of the TI Act (refer Section 3.4.29)
- It is infrastructure for transport that is for a public use. The Project falls within the ordinary meaning of a 'public use' as:
  - Inland Rail provides a freight service that is available for use by the public
  - Components of the Inland Rail network will facilitate public passenger use, in addition to freight
  - The payment of a fee for use of the service does not detract from the public nature of the service
  - The rail corridor will be on State-owned land, and subject to a statutory lease under Section 240 of the TI Act.
- It is partly funded by the Australian Government.

The Project will trigger the requirement to obtain development approval for various aspects of development assessable under the Planning Regulation following the completion of the EIS process depending on the type and location of activity and whether any exemptions apply.

Each of the relevant SDAP codes will be addressed as part of the reporting to support the lodgement and assessment of the necessary post-EIS development applications.

3.4.20.3 Project compliance

A summary of the likely development approvals triggered by the Project together with potential exemptions are detailed in Section 3.6 and Table 3.4.

3.4.21 Plumbing and Drainage Act 2018

3.4.21.1 Overview

The *Plumbing and Drainage Act 2018* (Qld) (Plumbing and Drainage Act) provides the legislative framework for plumbing and drainage in Queensland and is overseen by the Department of Energy and Public Works (former Department of Housing and Public Works). The Plumbing and Drainage Act provides for the licensing of plumbers and drainers, and the approval of particular plumbing and drainage works throughout Queensland. It aims to regulate the carrying out of plumbing and drainage work in a way that reduces risks to public health and safety, and the environment.

3.4.21.2 Relevance to the Project

Aspects of the Project that are expected to require approvals under the Plumbing and Drainage Act include site office facilities that require regulated plumbing and/or drainage.

3.4.21.3 Project compliance

Approvals for plumbing or drainage work for site office facilities will be obtained where required.

A number of utility relocations, including for water, sewer and electricity, will be required prior to construction of relevant project works. These utility relocations will be undertaken by the utility provider and are not assessed as part of the Project.

The utility relocations will be subject to separate assessments, with all necessary approvals obtained prior to the relocation being undertaken.

3.4.22 Public Health Act 2005

3.4.22.1 Overview

The objective of the *Public Health Act 2005* (Qld) is to protect and promote the health of the Queensland public by:

- Preventing, controlling and reducing risks to public health
- Providing for the identification of, and response to, notifiable conditions
- Imposing obligations on persons and health care facilities involved in the provision of declared health services to minimise infection risks
- Inquiring into serious public health matters
- Responding to public health emergencies
- Providing for compliance with this Act to be monitored and enforced.

The Queensland Government's *Health considerations—Environmental Impact Statement: Guidelines for Proponents* (Department of Health (DoH), 2016) has been developed to ensure that EIS proponents identify relevant environmental hazards that have the potential to impact on human health and well-being and provide guidance to proponents on how to demonstrate that risks to human health have been minimised.

3.4.22.2 Relevance to the Project

The Project has the potential to generate impacts that may impact on human health and well-being. Measures to avoid, minimise and manage Project impacts will therefore be required. These requirements have been considered in developing the design for the Project and will continue to be relevant for advancing the detailed design post-EIS.

3.4.22.3 Project compliance

The requirements listed in *Health considerations—Environmental Impact Statement: Guidelines for Proponents* (DoH, 2016) have been considered and addressed by the Project, as follows:

- Air quality: an air quality assessment has been undertaken that demonstrates how the Project complies with the EPP (Air). Additional details are provided in Chapter 12: Air quality.
- Noise: an environmental noise assessment has been undertaken that demonstrates how the Project complies with the EPP (Noise). Additional details are provided in Chapter 15: Noise and vibration.
- Water quality: water quality issues associated with the Project, and discussion on how these issues will be managed in accordance with the EPP (Water and Wetland Biodiversity), is covered in Chapter 13: Surface water and hydrology.
- Land management (i.e. contaminated land, waste management, biosecurity and vector and pest management): land management issues associated with the Project, and discussion on how these issues will be managed, are covered in Chapter 9: Land resources and Chapter 11: Flora and fauna.
- Community health and social aspects: community health and social issues associated with the Project, and discussion on how these issues will be managed, are covered in Chapter 16: Social.

Chapter 23: Draft Outline Environmental Management Plan provides the environmental management framework to ensure that reasonable environmental outcomes are achieved for construction and commissioning of the Project, which includes consideration of aspects with the potential to impact human health and wellbeing.

3.4.23 Queensland Heritage Act 1992

3.4.23.1 Overview

Heritage in Queensland is protected by the *Queensland Heritage Act 1992* (Qld) (QH Act). The aim of the QH Act is to protect heritage areas that are assessed to be of State significance for the benefit of the community and future generations. Identified heritage areas are placed on the Queensland Heritage Register and administered by the Queensland Heritage Council.

Under the QH Act, it is an offence to knowingly destroy or otherwise interfere with registered places or heritage items. Approval is required for any proposed development that has the potential to destroy or reduce the cultural heritage significance of a State heritage place.

The Planning Act and the QH Act regulate development on State and local heritage places to protect their cultural heritage significance and ensure their values are not unduly or inadvertently reduced, damaged or destroyed. The QH Act also sets out the assessment requirements for any development applications for development in or on a heritage place. Under the Planning Regulation, development on a local heritage place is assessable development, except where the development is stated in Schedule 6, which includes development for infrastructure facilities (transport infrastructure).

3.4.23.2 Relevance to the Project

Heritage places situated within the EIS investigation corridor, and the potential for direct and indirect impacts on these places as a result of the Project, are discussed in Chapter 18: Cultural heritage and Appendix S: Non-Indigenous Cultural Heritage Technical Report. The EIS identified forty-two areas of interest (non-Indigenous), with 26 areas of interest found to be of local heritage significance, and 11 of State heritage significance.

Potential Project impacts are expected to be reduced to 'moderate' for two places and 'neutral/slight' for the remainder of the Project area.

The Project disturbance footprint intersects a number of heritage places with differing potential impacts. Appendix S: Non-Indigenous Cultural Heritage Technical Report provides a further discussion on these heritage places and non-Indigenous cultural heritage values in proximity to the alignment. Indirect impacts may occur during any phase of the Project, when construction, operation, or decommissioning activities result in excessive dust, noise or vibration.

During detailed design, the Project is to confirm if there will be an impact on Queensland heritage places or local heritage places, and subsequently if a permit under the QH Act and Planning Act is required.

3.4.23.3 Project compliance

The Project has undertaken a heritage assessment. Chapter 18: Cultural heritage provides discussion on non-Indigenous cultural heritage values within the EIS investigation corridor. Construction management measures for cultural heritage values are detailed in the cultural heritage sub-plan of the draft Outline EMP, which is discussed in Chapter 23: Draft Outline Environmental Management Plan.

3.4.24 Rail Safety National Law (Queensland) Act 2017

3.4.24.1 Overview

The purpose of the *Rail Safety National Law (Queensland) Act 2017* (Qld) (RSNL Act) is to provide for safe railway operations in Australia. One of the objects of the Act is to establish the Office of the National Rail Safety Regulator (ONRSR) as the regulator in Queensland. The *Rail Safety National Law* (RSNL) was created following an agreement of the Council of Australian Governments to deliver a consistent approach to rail safety policy and regulations and to remove the inconsistencies between the previous state and territory rail safety regimes.

3.4.24.2 Relevance to the Project

The RSNL Act governs the safe operation of the rail system in Queensland. The ongoing operation of the Project will need to comply with all areas of the RSNL Act, covering rail industry work practices and protocols for safe working in rail corridors and associated accreditation, signalling and control, the ongoing management of structures and civil works, interfaces with public roads and highways, and other activities impacting on rail safety.

3.4.24.3 Project compliance

To fulfil the requirements under the RSNL Act, the Project has included a 'safety in design' process, which addresses the identification, development and implementation of hazard reduction measures achievable through its part in the overall design process. It identifies potential dangers across the Project lifecycle and provides a comprehensive framework to avoid or minimise risk and enhance safety, without unreasonably impacting on other design objectives.

3.4.25 Regional Planning Interests Act 2014

3.4.25.1 Overview

The *Regional Planning Interests Act 2014* (RPI Act) regulates areas of regional interest (including strategic cropping areas) and requires that a resource activity or a regulated activity proposed to be located in an area of regional interest obtain a regional interests development approval (RIDA) following an assessment of the extent of the expected impact of the activity on the area. There are four areas of regional interest protected under the RPI Act:

- A priority agricultural area
- A strategic cropping area
- Priority living area
- A strategic environmental area.

A RIDA may be required when a resource or regulated activity is proposed in an area of regional interest.

3.4.25.2 Relevance to the Project

The Project is not a resource activity nor a regulated activity under the RPI Act, and therefore the Act does not apply.

3.4.25.3 Project compliance

Not applicable—refer Section 3.4.25.

3.4.26 Soil Conservation Act 1986

3.4.26.1 Overview

The *Soil Conservation Act 1986* (Qld) (Soil Conservation Act) governs the conservation of soil resources and facilitates the implementation of soil conservation measures by landowners for the mitigation of soil erosion. The Soil Conservation Act regulates the approval of two types of soil conservation property plans to ensure the coordination of runoff to control erosion: property plans and project plans. The plans consist of a map and specifications for the soil conservation structures and practices necessary to control erosion. They may cover the whole of a property or just part of it.

Approved property and project plans are binding on all present and future owners and the Crown. Both approved property plans and project plans can be modified to accommodate circumstances that differ from those applying at the time of approval. Plans may be amended, or their approval may be revoked. This involves similar procedures to those used in the initial approval process.

3.4.26.2 Relevance to the Project

There are no soil conservation plans approved under the Soil Conservation Act that are impacted by the Project disturbance footprint.

3.4.26.3 Project compliance

Not applicable—refer Section 3.4.26.2.

3.4.27 Stock Route Management Act 2002

3.4.27.1 Overview

The main purpose of the *Stock Route Management Act 2002* (Qld) (SRM Act) is to provide for the management of the stock route network in Queensland.

Stock route area networks are primarily used by the pastoral industry for:

- An alternative to transporting stock by rail or road
- Pasture for emergency agistment
- Long-term grazing.

Stock routes can be a road that is declared to be a stock route, or they may simply be any route that has historically been used for walking stock.

The SRM Act provides that a person must not, without reasonable excuse, obstruct the movement of stock on a stock route (Section 179), burn or remove pasture on a stock route (Section 180), or place things on a stock route that may harm travelling stock (Section 181).

3.4.27.2 Relevance to the Project

As identified in Chapter 8: Land use and tenure, the Project alignment does not traverse any known or mapped stock routes.

3.4.27.3 Project compliance

While the Project alignment does not traverse any known or mapped stock routes, it is understood that there may be informal stock routes throughout the corridor used to transfer stock to various grazing paddocks and holding yards. Consultation is ongoing with landowners to identify impacts and any relevant requirements under the SRM Act, in relation to informal stock routes. Any potential impacts to stock routes will be managed in consultation with local councils and the Department of Resources (former DNRME) and agreement reached on any mitigation required for stock route impacts.

3.4.28 Strong and Sustainable Resources Communities Act 2017

3.4.28.1 Overview

The Social Impact Assessment (SIA) Guideline (March 2018) was developed by the Coordinator-General in accordance with Section 9(4) of the *Social and Sustainable Resources Communities Act 2017* (SSRC Act). It details what must be included in an SIA and covers the identification and assessment of social impacts, as well as their management and monitoring.

The SIA Guideline is a statutory instrument for all projects identified as large resource projects under the SSRC Act. It is also a non-statutory guideline for non-resource projects subject to an EIS process under either the SDPWO Act or the EP Act.

3.4.28.2 Relevance to the Project

The Project is not a large resource project; therefore, the SIA Guideline is to be used as non-statutory guideline for the EIS. The Project is a linear infrastructure project for which 'potentially affected communities' include towns and rural areas in and near the EIS investigation corridor rather than 'nearby regional communities' within a 125 km radius as defined by the SSRC Act.

3.4.28.3 Project compliance

An SIA has been prepared for the Project that meets the requirements of the SIA Guideline and is referenced within the ToR. A Social Impact Management Plan has also been prepared, which outlines the objectives, outcomes and performance measures for mitigation of social impacts, and the actions that ARTC will undertake and/or require its contractor to undertake. This plan is summarised in Chapter 16: Social with further detail provided in Appendix Q: Social Impact Assessment Technical Report and Chapter 23: Draft Outline Environmental Management Plan.

3.4.29 Transport Infrastructure Act 1994

3.4.29.1 Overview

The TI Act provides a framework for integrated planning and the efficient management of transport infrastructure. The objectives of the TI Act are to allow the State Government to have a strategic overview of the provision and operation of all transport infrastructure.

As discussed in Section 3.4.20, development that is for 'government supported transport infrastructure' cannot be made assessable under a local government planning scheme. The definition of 'government supported transport infrastructure' under the Planning Act relies on the following terms, which are defined under Schedule 6 of the TI Act:

- 'Transport infrastructure' includes air, busway, light rail, miscellaneous, public marine, **rail or road transport infrastructure**; transport infrastructure relating to ports; other rail infrastructure; and active transport infrastructure.
- 'Rail transport infrastructure' means facilities necessary for operating a railway, including railway track and works built for the railway, for example cuttings, drainage works, excavations, land fill, track support earthworks; and any of the following things that are associated with the railway's operation; bridges, communication systems; machinery and other equipment; marshalling yards; notice boards, notice markers and signs; overhead electrical power supply systems; over-track structures; platforms; power and communication cables; service roads; signalling facilities and equipment; stations; survey stations, pegs and marks; train operation control facilities; tunnels; and under-track structures.

Under the TI Act, various authorisations are required where infrastructure or works are proposed within transport corridors, including:

- Written approval of the chief executive under Section 33 to carry out works on a State-controlled road, or to interfere with a State-controlled road or its operation
- Road corridor permit under Section 50 to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road
- Written permission from the railway manager under Section 255 to interfere with a railway.

3.4.29.2 Relevance to the Project

The Project is 'government supported transport infrastructure' as discussed in Section 3.4.20.1.

The Project interfaces with five State-controlled roads and has tie-ins to one existing and one gazetted future railway lines, the West Moreton System rail corridor. The Project predominately aligns with part of the Gowrie to Grandchester future State transport corridor that was gazetted under the TI Act as future railway land.

Approvals under the TI Act will be required for activities and works that interfere with State-controlled roads or railways.

3.4.29.3 Project compliance

Refer to Chapter 6: Project description, Chapter 19: Traffic, transport and access and Appendix U: Traffic Impact Assessment for further information regarding interfaces with the State-controlled road network. It is anticipated that the existing protected Gowrie to Grandchester future State transport corridor will be amended in accordance with the TI Act to reflect the Project's corridor. Approvals under the TI Act will be obtained for the Project as required.

The tenure arrangements for the Project are the subject of negotiations with the State (DTMR) and these arrangements will be finalised prior to the commencement of construction. It is expected that tenure for State-owned land for construction will be managed by way of construction leases granted by DTMR to ARTC.

For operation, the rail corridor will be the subject of a lease from the Minister administering the TI Act to the State, which must then be sub-leased to the railway manager (ARTC). The operational lease will be granted pursuant to s.240 of the TI Act.

The construction areas and operational corridor will be generally consistent with the land (Project disturbance footprint—temporary construction and permanent operational) identified, and assessed, in the EIS.

3.4.30 Transport Operations (Road Use Management) Act 1995

3.4.30.1 Overview

The *Transport Operations (Road Use Management) Act 1995* (Qld) provides for the effective and efficient management of road use in the State and vehicle use in a public place. The *Transport Operations (Road Use Management) Act 1995* also provides for a scheme for managing the use of the State's roads. The scheme provides for the:

- Identification of vehicles, drivers and other road users, and the establishment of performance standards
- Establishment of rules for on road behaviour
- Monitoring of compliance with the *Transport Operations (Road Use Management) Act 1995*, including by using alternative compliance schemes
- Management of non-performing vehicles, drivers and other road users
- Control of access to the road network, or parts of it, for vehicles, drivers and other road users
- Management of traffic to enhance safety and transport efficiency.

3.4.30.2 Relevance to the Project

The Project involves works within the road network that will be managed by traffic management plans.

3.4.30.3 Project compliance

Where works are required within the existing road network, traffic management plans will be prepared and implemented to control traffic and maintain the safety of traffic.

Refer to Chapter 19: Traffic, transport and access and Appendix U: Traffic Impact Assessment for further information regarding the need for traffic management during construction.

3.4.31 Transport Planning and Coordination Act 1994

3.4.31.1 Overview

The *Transport Planning and Coordination Act 1994* (Qld) (TPC Act) is the primary legislation relating to transport in Queensland. The TPC Act aims to achieve transport effectiveness through strategic planning and management of transport services so as to improve the economic, trade and regional development performance, and the quality of life, for all in Queensland.

Under the TPC Act, these objectives are achieved through:

- Development and delivery of a transport coordination plan to provide a framework for strategic planning and management of transport resources in Queensland (currently the *Transport Coordination Plan 2017–2027* (Transport Coordination Plan). The objectives of the Transport Coordination Plan focus on five key areas:
  - Customer experience and affordability
  - Community connectivity
  - Efficiency and productivity
  - Safety and security
  - Environment and sustainability.
- Enabling the chief executive to encourage increased integration between land use and transport
- Affording the chief executive powers including:
  - Authority to acquire, hold, dispose of, or otherwise deal with land for the purposes of transport, for an incidental purpose, for the purpose of a transport associated development or for a combination of these purposes
  - Acquire land through resumption processes for the purpose of transport infrastructure, transport associated development or for an incidental purpose.

3.4.31.2 Relevance to the Project

The Project represents a significant element of transport infrastructure that will interact with Queensland's existing transport network of rail, State-controlled roads and local government roads.

The following objectives of the *Transport Coordination Plan* are of relevance to the Project, in that transport:

- Meets the needs of all in the state, now and into the future
- Connects communities to employment and vital services
- Facilitates the efficient movement of people and freight to grow the State's economy
- Is safe and secure for customers and goods
- Contributes to a cleaner, healthier and more liveable environment and is resilient to weather extremes.

The Project disturbance footprint has been intentionally aligned to use existing road and rail corridors to minimise the extent of 'new' properties to be acquired. This includes aligning within the Gowrie to Grandchester future State transport corridor where possible, which is a future state transport corridor under the TPC Act.

3.4.31.3 Project compliance

The Project is consistent with the objectives of the Transport Coordination Plan as it will:

- Provide opportunities for economic benefit in regional communities
- Provide efficient and cost-competitive freight option when compared to road transportation
- Enable freight movements, currently reliant on road transportation, to be migrated to rail and in doing so improving the safety of the existing road network.

The benefits of Inland Rail, and the Project, and the relevance to the Transport Coordination Plan are discussed in Chapter 2: Project rationale.

3.4.32 Vegetation Management Act 1999

3.4.32.1 Overview

The *Vegetation Management Act 1999* (Qld) (VM Act) regulates and manages the process and impacts of native vegetation clearing. The objectives of the VM Act include conservation of remnant regional ecosystems, prevention of the loss of biodiversity, maintenance of ecological processes, and conservation of vegetation in areas of high nature conservation value or lands vulnerable to land degradation, and the preservation of high-value regrowth areas.

The clearing of any relevant remnant or regulated regrowth vegetation will constitute operational works under schedule 10 of the Planning Regulation, which will require development approval, unless an exemption applies. Under Schedule 21, Part 1, Item 14 of the Planning Regulation, the following clearing work is exempt clearing work for which a development permit is not required:

> *14. Clearing vegetation for the construction or maintenance of **infrastructure stated in Schedule 5**, if-*
>
> *a) the clearing is on a designated premises; or*
>
> *b) the infrastructure is **government supported transport infrastructure**.*

where:

- **'infrastructure' stated in Schedule 5** (of the Planning Regulation) includes (under Part 1) **'transport infrastructure**, including **transport infrastructure stated in Schedule 2** of the Planning Act under the definition of **'development infrastructure'**
- **'transport infrastructure'** as defined under Schedule 24 of the Planning Regulation, includes:

  a) other rail infrastructure

  i) rail transport infrastructure

  both of which are defined under Schedule 6 of the TI Act.
- **'other rail infrastructure'** under Schedule 6 of the TI Act means freight centres or depots, maintenance depots, office buildings or housing, rolling stock or other vehicles that operate on a railway, workshops and any railway track, works or other thing that is part of these.
- **'rail transport infrastructure'** under Schedule 6 of the TI Act means facilities necessary for operating a railway, including:
  - Railway track and works built for the railway, including for example: cuttings, drainage works, excavations, land fill, track support earthworks
  - Any of the following things that are associated with the railway's operation: bridges, communication systems, machinery and other equipment, marshalling yards, noticeboards, notice markers and signs, overhead electrical power supply systems, over-track structures, platforms, power and communication cables, service roads, signalling facilities and equipment, stations, survey stations, pegs and marks, train operation control facilities, tunnels, under-track structures
  - Vehicle parking and set down facilities for intending passengers for a railway that are controlled or owned by a railway manager or the chief executive
  - Pedestrian facilities, including footpath paving for the railway that are controlled or owned by a railway manager or the chief executive.
- **Development infrastructure** (under Schedule 2 of the Planning Act) includes:

  a) land or works, or both land and works, for-

  ii) transport infrastructure, including roads, vehicle lay-bys, traffic control devices, dedicated public transport corridors, public parking facilities predominantly serving a local area, cycleways, pathways and ferry terminals.
- **government supported transport infrastructure means** (under Schedule 24 of the Planning Regulation) infrastructure for transport that is for public use and is funded, wholly or partly, by the State or Commonwealth, or provided by a person, other than under a development approval or infrastructure agreement, on conditions that are agreed to by the government; and are intended to support the commercial viability of the infrastructure.

3.4.32.2 Relevance to the Project

The clearing of vegetation regulated under the VM Act (e.g. category B regulated vegetation, essential habitat) will occur as a result of the Project. Vegetation clearing for the Project is considered to be eligible for exemption under Schedule 21 of the Planning Regulation given the Project is for transport infrastructure (rail transport infrastructure) that is government supported transport infrastructure (for a public use and funded partly by the Australian Government).

Although clearing of vegetation for the Project, as government supported transport infrastructure, is exempt development under Schedule 21 of the Planning Regulation, the VM Act is relevant to the flora and fauna assessment to the extent that it provides for classification of regional ecosystems as endangered, vulnerable, or least concern. Chapter 11: Flora and fauna provides detail on vegetation categories and communities.

There is the potential for development works outside of the Project disturbance footprint to be required to support construction of the Project (e.g. borrow sites used to source construction material). Works of this nature may constitute assessable development. Depending on the type of vegetation, the underlying land use zoning and land tenure, and the clearing purpose, operational work that is vegetation clearing for these areas may be either exempt or assessable development for which a development permit for operational works is required.

3.4.32.3 Project compliance

The Project is considered eligible for exemption for clearing works under Schedule 21 of the Planning Regulation. The applicability of this exemption will, however, be subject to confirmation of the Project disturbance footprint, the nature and requirement for temporary development works outside of the Project disturbance footprint, the timing/staging of planned clearing works proposed and the tenure of the land. In the event that portions of clearing works for the Project are not eligible for exemption, the necessary approvals will be obtained where required, noting that this would be the responsibility of the respective contractor or site owner.

Chapter 11: Flora and fauna describes the biodiversity and natural environment values of the terrestrial and aquatic ecology likely to be impacted by the Project.

3.4.33 Waste Reduction and Recycling Act 2011

3.4.33.1 Overview

The *Waste Reduction and Recycling Act 2011* (Qld) (WRR Act) promotes waste avoidance and reduction, and resource recovery and efficiency actions. The WRR Act provides a strategic framework for managing wastes through a waste and resource management hierarchy, as listed below in the preferred order to be considered:

- Avoid or reduce
- Reuse
- Recycle
- Recover energy
- Treat
- Dispose.

Under the WRR Act, the management of priority wastes are of strategic importance, due to the high impacts of disposal, social impacts, potential resource savings and business opportunities associated in waste recovery. The WRR Act also enables the Queensland Government to work with industry and the community in identifying the most appropriate management options for priority wastes.

The Waste Reduction and Recycling Regulation 2011 sets out the mechanisms to achieve the objectives of the WRR Act. The Queensland Government has developed a waste management and resource recovery strategy to reduce the amount of waste being generated and to grow the resource recovery and recycling industry. This is underpinned by a waste levy, which commenced on 1 July 2019. The waste levy is payable by landfill operators to the Queensland Government based on the amount of waste disposed of to landfills within the waste levy zone, which includes the Toowoomba and Lockyer local government areas (LGAs). It is up to individual landfill operators to make a business decision on if, and how, they pass the levy through to their customers.

3.4.33.2 Relevance to the Project

The construction of the Project will generate the majority of the Project's waste. This waste can be broadly classified as:

- Green waste from vegetation clearing
- Construction and demolition waste (including spoil)
- General waste (municipal waste) from construction compounds
- Regulated waste (required to be managed in accordance with the EP Regulation)
- Recyclables which are waste streams that can be reconditioned and reprocessed for reuse.

It is expected that there will be opportunity for excess spoil to be placed and appropriately stabilised within the disturbance footprint.

Where waste is not reused or recycled onsite, waste generated through the Project will need to be disposed at appropriately licensed facilities. There are several landfills in the greater Toowoomba region and Lockyer Valley region including the Toowoomba Waste Management Centre, New Chum Landfill, Ti Tree Bioenergy Facility and Remondis Swanbank Renewable Energy and Waste Management Facility.

3.4.33.3 Project compliance

The management of waste and spoil associated with the Project will be underpinned by the WRR Act waste and resource management hierarchy, as listed above. Production of waste will be avoided or reduced where practical during the construction and operation of the Project. Where waste will be generated, all waste will be reused or recycled in the first instance. Where waste is not reused or recycled onsite, waste generated through the Project will need to be disposed of offsite at appropriately licensed facilities involving payment of applicable waste levies under the WRR Act.

Any spoil material that cannot be reused will be disposed at an approved facility that is licensed to receive the material only if the spoil is deemed to be not suitable for reuse and recycling.

The sustainability commitments embedded into the Inland Rail *Environment and Sustainability Policy* (ARTC, 2018) include encouraging sustainability through the value chain for goods and services used to build and operate Inland Rail.

A waste assessment has been carried out for the Project. Chapter 21: Waste and resource management and Chapter 23: Draft Outline Environmental Management Plan, together with Appendix T: Spoil Management Strategy provides further information regarding Project waste streams, waste and spoil management.

3.4.34 Water Act 2000

3.4.34.1 Overview

The *Water Act 2000* (Qld) (Water Act) provides a framework to deliver sustainable water planning, allocation management and supply processes to provide for the improved security of water resources in Queensland. The Water Act is supported by the Water Regulation 2016 and various water resource plans for defined geographic regions.

The Water Act provides a framework for:

- Sustainable management of water resources and quarry material by establishing a system for the:
  - Planning, allocation and use of water, including the preparation and implementation of water plans and water resource plans
  - Allocation of quarry material and riverine protection
- The sustainable and secure supply and demand management for the South East Queensland (SEQ) region and other designated regions
- The management of impacts on underground water caused by the exercise of underground water rights by the resource sector
- The effective operation of water authorities.

Under the Water Act, water plans may set limitations on the taking of or interfering with water in the plan area and prescribe the requirements for applications granting water entitlements or other authorisations. The Act also holds provisions for water use plans to be prepared and implemented to regulate water use in a defined area where there is a risk of land and water degradation.

Further, taking or interfering with the flow of water on, under, or adjoining land (including surface water, artesian water, and in some instances overland flow where regulated through a water plan), requires a Water Licence under the Water Act as evidence of entitlement to the resource and a development permit for operational work under the Planning Act where constructing or installing certain types of works.

The Department of Regional Development, Manufacturing and Water (DRDMW) (former DNRME) maintains *Exemption requirements for construction authorities for the taking of water without a water entitlement* (WSS/2013/666) (Riverine Protection Permit exemption requirements). These exemption requirements may only be used by a constructing authority defined under Schedule 2 of the AL Act and includes State government departments and local governments. At present, these guidelines do not directly apply to ARTC and a water entitlement would be required for taking water from a watercourse.

Riverine protection permits are required to excavate, or place fill in a watercourse, lake or spring. In certain circumstances, exemptions apply where the works are undertaken in accordance with the *Riverine protection permit exemption requirements (WSS/2013/726 Version 2.01)* guidelines.

3.4.34.2 Relevance to the Project

The Project is located within the *Water Plan (Moreton) 2007* plan area and the *Water Plan (Moreton) (Supply Scheme Arrangements) Amendment Plan 2019* plan area (with the latter current at the writing of this chapter).

Surface water resources are primarily managed by the *Water Plan (Moreton) 2007*. The *Water Plan (Moreton) 2007* includes performance indicators and objectives such as:

- Environmental flow objectives, assessing periods of low, medium and high flow
- Water allocation security objectives.

The Project involves works within defined watercourses and is therefore likely to trigger:

- Taking or interfering with the flow of water:
  - During construction, water will be required for dust control, site compaction and reinstatement. Several potential water sources have been investigated, including extraction of groundwater or surface water, private bores and watercourses.
- Diversion of overland flow—three diversions are proposed during Project construction:
  - A proposed diversion drain is proposed for an overland flow path (draining to the Laidley Creek sub-catchment) at approximate Ch 61.75 km. The proposed diversion drain will intercept and divert part of the flow to the cut drain where the drain is 2.5 m deep and has adequate capacity to contain the overland flow. The waterway is not identified as a waterway under the DAF Queensland Waterways for Waterway Barrier Works spatial mapping.
  - Two additional diversions are proposed at Ch 63.44 km and Ch 64.04 km. The Project alignment crosses an unmapped feature (as defined under the Water Act) flowing into an unnamed tributary of Western Creek between approximate chainages Ch 63.44 km to Ch 63.75 km (310 m) and Ch 64.04 km to Ch 64.17 km (130 m). These drainage diversions will require approval under State Code 10 in the State Development Assessment Provisions as a diversion for works that take or interfere with watercourse, lake or spring. Under the Planning Act, the diversion may require approval as an assessable development under waterway barrier works (in accordance with DAF requirements and the Planning Act).

    Under the DAF Queensland Waterways for Waterway Barrier Works spatial mapping, the diversion of the drainage features from Ch 63.44 km to Ch 63.75 km (approximate) is identified as low–moderate risk of impacting waterways and the diversion from Ch 64.04 km to Ch 64.17 km (approximate) is identified as a moderate risk of impacting waterways.
- Excavating or placing fill within a watercourse, lake or spring.

ARTC is an approved entity for the purposes of the Riverine Protection Permit exemption requirements.

3.4.34.3 Project compliance

ARTC, or the construction contractor, will apply for a water licence or permit to authorise taking water for use during construction. Where necessary, development permits for operational work for taking or interfering with water will be obtained. Further information on water sources is provided in Chapter 6: Project description and Chapter 13: Surface water and hydrology.

Where works are proposed within a defined watercourse, these activities will be undertaken in accordance with the Riverine Protection Permit exemption requirements. A Riverine Protection Permit will be obtained where compliance with the exemption requirements cannot be achieved.

Chapter 13: Surface water and hydrology provides further details of compliance with the Water Act.

3.4.35 Work Health and Safety Act 2011

3.4.35.1 Overview

The *Work Health and Safety Act 2011* (Qld) (WHS Act) provides a framework and general duties for the protection, safety and welfare of workers in Queensland while they are at work. The WHS Act is supported by the Work Health and Safety Regulation 2011, which relates to the protection of the construction and operation workforces, as well as members of the public, including community receptors that may be affected by work-related hazards.

Under Section 22 of the WHS Act, designers must ensure, as far as is reasonably practicable, that structures are designed to be without risks to the health and safety of persons.

3.4.35.2 Relevance to the Project

There are two specific requirements for designers to provide information under the WHS Act.

Under Sections 22(4) and Section 22(5) of the WHS Act, the designer must provide the following information to anyone who is issued with the design:

- The purpose for which the structure is designed
- The results of any testing and analysis undertaken
- Any conditions necessary to ensure that the designer has designed the structure to be without risk to health and safety when it is used as a workplace during its lifecycle.

Current relevant information must also be provided to people who use, construct, maintain or demolish the structure on request.

Under Section 295 of the Work Health and Safety Regulation 2011, the designer of a structure or any part of a structure is required to provide the person conducting a business or undertaking who commissioned the design a safety report outlining potential hazards relating to the design that may pose a hazard to people carrying out construction work.

3.4.35.3 Project compliance

The Project has incorporated risk identification and assessment practices throughout the design development phase to date. ARTC has a strong commitment to implementing and maintaining appropriate safety practices throughout operations. Chapter 20: Hazard and risk provides detailed discussion about safety in design, and hazard and risk identification undertaken as part of the design and EIS works, including a risk register and matrix of hazards, likelihood, consequence and mitigations. Project design documentation has been prepared to comply with the requirements of the WHS Act.

3.5 Local government plans and policy

The Queensland Government, through processes in the Planning Act, sets out State-wide and regional planning matters to be considered by every local government in Queensland. State and local plans (often referred to as planning schemes or planning instruments) direct development within the areas to which they apply and ensure planning processes in Queensland are protected and managed consistently.

3.5.1 Planning schemes

Local government planning schemes are the principal documents guiding growth and development in each LGA. Planning schemes are prepared by councils after community consultation and are approved by the Planning Minister. These statutory instruments ensure Queensland grows and develops sustainably.

The Project passes through the Lockyer Valley and Ipswich LGAs. As part of the 2008 Queensland local government reform, the former Gatton and Laidley Shires were amalgamated to form the Lockyer Valley Regional Council (LVRC). Under the transitional agreements for amalgamated councils, the planning schemes operating in each former shire remain applicable to development assessment until such time as a consolidated regional planning scheme is prepared. At the time of writing of this chapter, the draft Lockyer Valley Planning Scheme remained in the preparation phase and had not yet been released for public consultation. Once the Lockyer Valley Planning Scheme is in effect, it will supersede the current Gatton and Laidley Shire Planning Schemes as well as the *Grantham Reconstruction Area—Development Scheme* (Queensland Reconstruction Authority (QRA), 2011) and *Temporary Local Planning Instrument 01/2019 Flood Regulation*.

As such, the Project is located within the area of the following planning schemes:

- *Gatton Shire Planning Scheme 2007* (Gatton Shire Council, 2007)
- *Ipswich Planning Scheme 2006* (Ipswich City Council, 2006)
- *Laidley Shire Planning Scheme 2003* (Lockyer Valley Regional Council, 2003).

Further details on these individual planning schemes are provided in the following sections.

In accordance with Schedule 6, Part 5, Section 26(2) of the Planning Regulation, development for the construction of transport infrastructure, where the infrastructure is 'government supported transport infrastructure', it cannot be made assessable development under the relevant local categorising instruments. Inland Rail is considered to be 'government supported transport infrastructure'. Accordingly, the provisions of these local government planning schemes do not apply to the Project. Notwithstanding, the zoning intent for these areas as determined by the planning schemes has been taken into consideration when determining impacts of the Project on future land uses in the area.

Zones traversed by the EIS investigation corridor within each of the LGAs and their relevance to the Project are outlined in Chapter 8: Land use and tenure.

3.5.1.1 Gatton Shire Planning Scheme

The Gatton Shire Planning Scheme 2007 (Gatton Shire Council, 2007) is the primary planning document for land located within the former Gatton Shire Council area, with the exception of land that is subject to the Grantham Reconstruction Area. This area now forms part of the Lockyer Valley LGA. This planning scheme was prepared pursuant to the *Integrated Planning Act 1997* (Qld) *(repealed)*. The LVRC administers all development and land use planning for this area. The Gatton Shire Planning Scheme outlines the level of assessment and requirements for undertaking development in the former Gatton Shire.

3.5.1.2 Ipswich City Council Planning Scheme

The *2006 Consolidated Ipswich City Planning Scheme* (Ipswich City Council, 2006) covers the entire Ipswich LGA. The Planning Scheme was prepared pursuant to the *Integrated Planning Act 1997* (repealed) and the then former Department of Children, Youth Justice and Multicultural Affairs (former Department of Local Government, Racing and Multicultural Affairs) guidelines and scheme template. The planning scheme was prepared as a framework for managing developments within the Ipswich LGA.

3.5.1.3 Laidley Shire Planning Scheme

The Laidley Shire Planning Scheme (Lockyer Valley Regional Council, 2003) is the primary planning document for land located within the former Laidley Shire. This area now forms part of the Lockyer Valley LGA. The planning scheme was prepared under the *Integrated Planning Act 1997* (repealed). LVRC administers all development and land use planning for this area. The Laidley Shire Planning Scheme outlines the level of assessment and requirements for undertaking development in the former Laidley Shire.

3.5.2 Grantham Reconstruction Area Development Scheme 2011

The Queensland Reconstruction Authority (QRA) was established to coordinate and manage the rebuilding of affected communities impacted by disaster events. Under the *Queensland Reconstruction Act 2011* (Qld), the QRA may make a development scheme for a declared project or reconstruction area.

The Grantham Reconstruction Area was declared by regulation under the *Queensland Reconstruction Authority Act 2011* on 8 April 2011 after the flooding events in 2011. The QRA and LVRC prepared the *Grantham Reconstruction Area Development Scheme* in consultation with the local community.

The *Grantham Reconstruction Area Development Scheme* (QRA, 2011) regulates development within the Grantham Reconstruction Area, the extent of which is set out in the development scheme. Proposed development within the Grantham Reconstruction Area is assessed by LVRC.

The *Grantham Reconstruction Area Development Scheme* (QRA, 2011) continues to apply until the draft LVRC Planning Scheme has been adopted. The *Grantham Reconstruction Area Development Scheme* refers to or relies on various provisions of the Gatton Shire Planning Scheme. Where there are inconsistencies between the Grantham Reconstruction Area Development Scheme and those provisions, the Grantham Reconstruction Area Development Scheme prevails.

3.5.3 Local laws

The *Local Government Act 2009* (Qld) empowers and provides responsibilities to local government to make and enforce any local law that is necessary or convenient that reflects community needs and ensures the good rule and government of the LGA. These laws usually relate to the protection of amenity or other values important to communities, including local government-controlled roads, carrying out works on a road or interfering with a road or its operation, control of local pests declared by councils, noise, light, waste management, vegetation, parks and fencing.

The Project is within the LGAs of Ipswich and Lockyer Valley. The Project will adhere to, and be carried out in accordance with, relevant local laws, where applicable.

3.6 Post-Environmental Impact Statement approvals

A summary of the potential post-EIS approvals that may apply to the Project is provided in Table 3.4. These are subject to review and change during the detailed design process.

In addition to the approvals identified in Table 3.4, a range of additional permits, licences and/or agreements will be required. To address these requirements, ARTC has commenced and will continue to undertake consultation with infrastructure owners and utility providers regarding asset interface requirements such as works within and traversing infrastructure easements.

TABLE 3.4: POST-ENVIRONMENTAL IMPACT STATEMENT PROJECT APPROVALS

Legislation	Administering authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
State						
ACH Act	DSDSATSIP	Undertaking any excavation, construction or other activities that may cause harm to Aboriginal cultural heritage Undertaking a project for which an EIS is required	**Cultural Heritage Management Plan** in consultation with the relevant Registered Aboriginal Party	-	Prior to commencement of any excavation, construction or other activities that may cause harm to Aboriginal cultural heritage	Completed CHMP (CLH0710009) has been developed, negotiated and executed for the Project
Biosecurity Act	DAF (Biosecurity Queensland)	Moving a fire ant carrier from within a fire ant biosecurity zone	**Biosecurity Instrument Permit** (Fire Ants)	-	Prior to commencement of relevant works	20 business days
Building Act/ Planning Act	Relevant local government or private certifier	Undertaking building works	**Development approval** for building works	Building work is assessable development, unless it is accepted development under the Planning Regulation or the Building Act	Prior to commencement of building works	2 months
Electricity Act	Energex or Powerlink	Connection of new electrical supply or an increase in connected load of an existing supply	**Approval** for connection of supply/load increase	-	Prior to commencement of relevant works	10 business days
Explosives Act	Resources Safety and Health Queensland (former DNRME) (Explosives Inspectorate)	Use, possession, storage or transport of explosives	**Licences** to store, transport or use explosives	-	Prior to transport, storage or use of explosives	20 business days (routine applications—no inspections)
EO Act	DES	Undertaking a Prescribed Activity for which there will be a significant residual impact on one or more Prescribed Environmental Matters	**Provision of offsets** in accordance with the Environmental Offsets Policy	-	The Proponent is required to submit a **Notice of Election** as notification along with details of the elected offset arrangement. This can occur before, during or after the authority for the relevant Prescribed Activity has been granted.	Once the Notice of Election is received, the Administering Authority has **40 business days** to consider the notice

Legislation	Administering authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
State (continued)						
EP Act	DES	Undertaking an ERA prescribed under Schedule 2 of the EP Regulation. The Project is considered likely to trigger: ▸ ERA 8—Chemical storage ▸ ERA 16—Extractive activities ▸ ERA 41—Cement manufacturing ▸ ERA 57—Regulated waste transport ▸ ERA 64—Water treatment.	**Environmental Authority Registered Suitable Operator**	-	Prior to commencement of relevant construction works	5-8 months (excluding requests for further information)
		Disposal of contaminated soil from sites listed on the EMR/CLR	**Disposal permit**	-	Prior to removal or disposal of contaminated land	20 business days
Fisheries Act/Planning Act	DAF	Constructing or raising waterway barrier works (temporary and/or permanent waterway barrier works)	**Development permit** for Operational Works that are Waterway Barrier Works (temporary and/or permanent)	A development permit is not required where: ▸ Works are determined to be 'works which are not waterway barrier works' or ▸ Works can comply with the relevant self-assessable code for waterway barrier works.	Prior to the relevant construction works commencing	3–6 months (excluding requests for further information)
Forestry Act/Land Act	DAF	Interfering with forest products on State land	**Allocation** of quarry material	-	Prior to construction works	2–3 months
Land Act	Department of Resources (former DNRME) (SLAM)	Temporary or permanent road closure	**Temporary or permanent road closure**		Prior to construction works	No statutory timeframes (Department of Resources (former DNRME) engagement required)
NC Act	DES	Clearing of least concern species within a mapped Flora Survey Trigger Area	**Exempt clearing notification**	-	Prior to vegetation clearing works	10 business days
		Clearing of EVNT Species or clearing of non-EVNT species	**Clearing permit**	-	Prior to vegetation clearing works	40 business days

Legislation	Administering authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
		where impact to EVNT species is likely to occur				
State (continued)						
NC Act (continued)	DES (continued)	Works involving the tampering of an animal breeding place	**Species Management Program** (low risk or high risk)	-	Prior to any works that impact on animal breeding places	2–3 months
		Removal and relocation of protected wildlife	**Damage Mitigation Permit**	-	Prior to undertaking any relevant works	2–3 months
		Spotter catcher endorsement	**Rehabilitation Permit**	-	Prior to undertaking any relevant works	2–3 months
		Taking, using, keeping or interfering with protected animals or native wildlife	**Wildlife Movement Permit**	-	Prior to undertaking any relevant works	2–3 months
Planning Act	DSDILGP (former DSDTI)/relevant local government	Undertaking assessable development under a relevant local government planning scheme	-	Exemption where development is for transport infrastructure under Schedule 6, Part 5, Item 26—development for infrastructure activities (transport infrastructure)	-	-
	DSDILGP (former DSDTI)	Taking or interfering with water from a watercourse, lake or spring	**Development permit** for operational works (taking or interfering with water)	-	Prior to the relevant construction works commencing	2–3 months
Planning Act/EP Act	DES	Undertaking an ERA that is a Concurrence ERA under Schedule 2 of the EP Regulation. The Project is considered likely to trigger the following Concurrence ERAs/thresholds: ▸ ERA 8—Chemical storage ▸ ERA 16—Extractive activities (2(b),2(c)) ▸ ERA 41—Cement manufacturing ▸ ERA 57—Regulated waste transport ▸ ERA 64—Water treatment (2,3 and 4).	**Development permit** for an MCU for an ERA	-	Prior to the relevant activities being carried out	5–8 months (excluding requests for information)

Legislation	Administering authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
State (continued)						
QH Act/ Planning Act	DES	Development on a State heritage place	**Development permit** for development on a State heritage place	-	Prior to commencement of the relevant works	3–6 months (excluding requests for further information)
		Development on a local heritage place	-	Exemption where development is for transport infrastructure under Schedule 6, Part 5, Item 26—development for infrastructure activities (transport infrastructure)	Prior to commencement of the relevant works	-
TI Act	DTMR	Interfering with a railway	**Written permission** from the railway manager to interfere with the railway under Section 255 of the TI Act	-	Prior to commencement of the relevant works	20 business days
		Constructing, maintaining, operating or conducting ancillary works and encroachments on a State-controlled road	**Road corridor permit** under Section 50 of the TI Act	Exemptions are available if the works are: ▸ In accordance with the requirements specified by the chief executive of DTMR by gazette notice; or ▸ Done as required by a contract entered with the chief executive of DTMR.	Prior to the commencement of the relevant works	20 business days
		Carrying out road works on a State-controlled road or interfering with a State-controlled road or its operation	**Written approval** of the chief executive of DTMR under Section 33 of the TI Act	-	Prior to commencement of works or interfering with a State-controlled road	20 business days
VM Act	DES	Works involving the clearing of a Regional Ecosystem	**Development permit** for operational works for vegetation clearing	Exempt clearing works under Schedule 21, Part 1, Item 14 (infrastructure that is government supported transport infrastructure) of the Planning Regulation	Prior to vegetation clearing works	2–3 months

Legislation	Administering authority	Development action/trigger	Approval	Potential exemption	Project timing	Indicative approval processing timeframe
State (continued)						
Water Act	DRDMW (former DNRME)	Undertaking works in a watercourse, lake or spring	**Riverine protection permit**	Exemption where ARTC (as an approved entity) carry out the works in accordance with DRDMW's (former DNRME) *Riverine Protection Permit Exemption Requirements* (DNRME, 2019b)	Prior to commencement of the relevant works	1–2 months
		Works that involve the taking or interfering with water (authorises entitlement to the resource)	**Water authorisation (permit)** to authorise the taking of water, which has a reasonably foreseeable end date **Water authorisation (licence)**—taking or interfering with water from a watercourse, lake or spring	-	Prior to commencement of construction	1–2 months
Local						
Local Government Act	Relevant local government	Undertaking works to which a local law applies	**Local law approval**, if it is determined that a local law applies as specified in a local law	Pursuant to the relevant local law	Prior to the commencement of the relevant works	Various
Plumbing and Drainage Act	Relevant local government	Undertaking plumbing and drainage works	**Plumbing and drainage works approval**	A permit is not required where works are notifiable work, minor work or unregulated work	Prior to the commencement of the relevant works	Various

Table note:
A range of additional approvals, permits, licences, authorities and/or agreements may be required post-EIS for operational activities that have not been identified in the table above. Examples include, but are not limited to, activities such as: asbestos removal, high-risk works, trade waste permits, WorkSafe and transport permits.

3.7 Conclusion

A principal purpose of this EIS is to provide sufficient information to enable the Coordinator-General and Commonwealth Minister for the Environment to determine if the Project can proceed under the SDPWO Act and EPBC Act respectively, and for recommendations to be made regarding relevant compliance required for the Project under other legislation.

The Project will trigger the requirement to obtain a number of approvals, permits, leases, licences and authorities under legislation. On the basis that the Project is given EIS approval to proceed, the Project will seek to address any and all relevant conditions and recommendations after completion of the EIS process, once detailed design has been sufficiently progressed.